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UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK

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UNITED STATES OF AMERICA,

V.

12 Cr. 868 (NRB)

LENA LASHER,

Defendant.

New York, N.Y.  
May 7, 2015  
9:00 a.m.

Before:

HON. NAOMI REICE BUCHWALD,

## District Judge

## APPEARANCES

PREET BHARARA

United States Attorney for the  
Southern District of New York

DANIEL RICHENTHAL

KRISTY GREENBERG

Assistant United States Attorney

FREEMAN, NOOTER & GINSBERG

Attorneys for Defendant Lena Lasher

BY: LOUIS M. FREEMAN

NADJIA LIMANI

ALSO PRESENT: Annie Chen, Paralegal

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(In open court; jury not present)

THE COURT: There is a note from the jury. I'm not sure it is necessary to mark it as an exhibit. It says: Just so you are aware, if the court stops at 2:15, many of the jurors can make an express train. The next express train is one hour later. Thank you for your support.

MR. RICHENTHAL: 2:15 it is.

THE COURT: We will do our best.

MR. RICHENTHAL: Would it be okay if I sent one e-mail? It is case related. I want to get something out to an agency.

THE COURT: Let me just say, we got Ms. Greenberg's e-mail of yesterday. I just want to let Mr. Freeman know that, since the government obviously is not perfect on estimating its time, which is okay -- disappointing but okay, of course -- you should have a witness ready to go on Monday. Don't assume --

MR. FREEMAN: I'm not assuming.

THE COURT: Don't assume they are absolutely going to take up the whole day. Just have someone ready.

MR. FREEMAN: Message received.

THE COURT: Great.

(Jury present)

THE COURT: Good morning, everyone.

Get your witness.

DANIEL GEIGER, resumed.

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1 MS. GREENBERG: May I proceed?

2 THE COURT: Ms. Greenberg, please proceed.

3 DIRECT EXAMINATION (CONTINUED)

4 BY MS. GREENBERG:

5 Q. Good morning, Mr. Geiger.

6 A. Good morning.

7 Q. Mr. Geiger, I would like to return back to Government  
8 Exhibit 3003, which is in evidence.

9 MS. GREENBERG: Ms. Chen, could you please put that on  
10 the screen. If you could just zoom in on the top.

11 Q. Mr. Geiger, looking at the middle center on the top, what  
12 does this part of the report show?

13 A. That this is a doctor's patient list.

14 Q. Look just to the left of that, what is the report date?

15 A. December 10, 2012.

16 Q. Were you working at Hellertown or Palmer Pharmacy on  
17 December 10, 2012?

18 A. No, I was not.

19 MR. FREEMAN: Your Honor, I renew my objection from  
20 yesterday as to the introduction of this document into  
21 evidence. Now I have further reason.

22 MS. GREENBERG: Your Honor, the foundation has been  
23 laid that Mr. Geiger would run these reports in the usual  
24 course of his business. He would see these reports in the  
25 regular course of business. This particular report was not run

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Geiger - direct

1 by him, but he's aware of how they look and the contents of  
2 these general documents.

3 THE COURT: In the business record context, the  
4 employee who authenticates it does not have to be employed at  
5 the time that the business record was created.

6 The objection's overruled.

7 MS. GREENBERG: Thank you.

8 Ms. Chen, if you could go a few pages into the reports  
9 in this exhibit. If you could go to the schedule two  
10 controlled substances report to Pennsylvania, just a few pages  
11 into the report. If you could just zoom in on the top.

12 BY MS. GREENBERG:

13 Q. Mr. Geiger, looking at the top, what is this report?

14 A. This was a monthly report of all the controlled two  
15 substances and prescriptions that were filled.

16 Q. Looking through this report in hard copy, I will hand it up  
17 to you in a moment. Just looking through this report, are  
18 there several monthly reports?

19 A. Yes. This report appears -- yes, there are.

20 Q. Generally, do these monthly reports span from 2010 through  
21 the end of 2012?

22 A. Yes. I see the earliest date is 2010.

23 Q. The latest date is the end of 2012?

24 A. Yes.

25 Q. Mr. Geiger, did you run these particular reports?

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Geiger - direct

1 A. Yes.

2 Q. To be clear, the monthly reports that are in this document  
3 that are with the report date next to it, do you see where it  
4 says December 10, 2012?

5 A. Yes.

6 Q. Did you run the reports for these monthly reports on  
7 December 10, 2012?

8 A. No, I did not.

9 MS. GREENBERG: Ms. Chen, can you take this exhibit  
10 down.

11 BY MS. GREENBERG:

12 Q. Mr. Geiger, you testified yesterday that you saw a  
13 prescription for oxycodone that was prescribed by a Dr. Yang  
14 that had a notation by Ms. Lasher that it had been verified by  
15 the doctor. Where did you see that prescription in her  
16 notation?

17 A. It was in the filing cabinet where we keep all of the  
18 narcotic prescriptions that are filled and it was in like a  
19 manila file folder envelope that all the prescriptions,  
20 narcotic prescriptions, were kept after they were filled.

21 Q. Can you provide a rough estimate of when you saw that  
22 prescription and notation by Ms. Lasher?

23 A. Well, I believe it was --

24 MR. FREEMAN: Objection.

25 MS. GREENBERG: I'm asking for an approximate time

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Geiger - direct

1 frame when he saw it. I don't think the witness is going to  
2 remember a precise date, but just an approximate time frame.

3 THE COURT: What is your best recollection?

4 THE WITNESS: My best recollection is December of  
5 2011.

6 BY MS. GREENBERG:

7 Q. Now, Mr. Geiger, did there come a time when you stopped  
8 working at Hellertown and Palmer Pharmacies?

9 A. Yes.

10 Q. When was that?

11 A. I stopped working the end of January, January 30, 2012.

12 Q. Now, prior to January 30, 2012, what were your plans  
13 regarding this job?

14 A. I was going to try to keep the job that I had, but at the  
15 same time, I was looking for another job.

16 Q. When did you start looking for another job?

17 A. Approximately towards the end of December, right after  
18 holidays, of December 2011, early January 2012.

19 Q. Roughly a month before you actually left the job, you had  
20 begun looking for a new job?

21 A. Yes.

22 Q. Now, for how long then were you at Hellertown and Palmer  
23 Pharmacies before you began looking for a new job?

24 A. Approximately two months.

25 Q. Prior to your leaving, what, if any, plans did you have to

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Geiger - direct

1 file any complaints against Ms. Lasher?

2 MR. FREEMAN: Objection, speculative.

3 MS. GREENBERG: It's not speculation. It's what plans  
4 did he have.

5 THE COURT: What plans did he actually have, if any,  
6 to file complaints that he formulated before he left.

7 A. I had planned to file a complaint with the Pennsylvania  
8 state board of pharmacy.

9 Q. On what basis did you plan to report her?

10 A. She was breaking pharmacy --

11 MR. FREEMAN: Objection. Beyond the scope of this  
12 witness's knowledge.

13 THE COURT: He can answer.

14 A. She was performing work that was against pharmacy law.

15 Q. Again, prior to your leaving Hellertown and Palmer  
16 Pharmacies, what, if any, steps did you take regarding filing  
17 this complaint? I'm sorry. Go ahead, you can answer.

18 A. Prior to leaving?

19 Q. Prior to leaving, did you do anything; for example, did you  
20 look at any documents?

21 A. I made some copies of documents.

22 Q. What kinds of documents did you make copies of prior to  
23 leaving the pharmacy?

24 A. I made copies of my work schedule, I made copies of the  
25 written policies, I made copies of a patient profile.

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Geiger - direct

1 Q. Prior to your leaving the pharmacy, what, if any, threats  
2 did Ms. Lasher make towards you?

3 A. She had threatened to terminate my position, to terminate  
4 me.

5 Q. How regularly did those threats occur?

6 A. Verbally, there was several threats.

7 Q. And in writing?

8 A. In the policies, yes.

9 Q. The general policies for the pharmacy?

10 A. Yes.

11 Q. Did Ms. Lasher cut your hours?

12 A. Yes.

13 Q. When you left Hellertown and Palmer Pharmacies, were you  
14 terminated, did you resign? What were the circumstances?

15 A. Well, I terminated, I resigned, but at the same time, I was  
16 going to be terminated.

17 THE COURT: The time you resigned, you anticipated.

18 THE WITNESS: I anticipated I was going to be  
19 terminated.

20 BY MS. GREENBERG:

21 Q. Can you please describe the events that led to your  
22 resignation?

23 A. Yes. On, I believe, January 27, Ms. Lasher had informed me  
24 that I committed several prescription errors.

25 Q. Do you recall what kinds of errors she had said you --

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Geiger - direct

1 A. I believe she said that there were seven prescriptions that  
2 were mailed and the patient received the wrong medication.

3 Q. How did Ms. Lasher inform you that there were these certain  
4 scripts that had been misfiled where the customer got the wrong  
5 medication?

6 A. Well, she called me up and told me, but she also wrote it  
7 down in a notebook, communication notebook.

8 Q. That communication notebook, was that a notebook that was  
9 in regular use in the course of the business?

10 A. Yes.

11 Q. What was the notebook used for?

12 A. The notebook was used to communicate to the pharmacist  
13 things that were going on or things that happened.

14 Q. Who maintains that notebook?

15 A. Ms. Lasher.

16 Q. Did other employees make entries into this notebook as well  
17 to communicate with Ms. Lasher?

18 A. Yes.

19 Q. Did you at any time make a copy of a page from that  
20 notebook?

21 A. Yes.

22 Q. I would like to show you what has been marked as Government  
23 Exhibit 3010. Mr. Geiger, do you recognize this document?

24 A. Yes.

25 Q. What is it?

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Geiger - direct

1 A. It was the document from the notebook that she used to  
2 communicate to the pharmacist and staff.

3 Q. At what time did you make this copy?

4 A. On January 30, 2012.

5 Q. Is this an accurate representation of how this page  
6 appeared in the log on January 30, 2012?

7 A. Yes.

8 MS. GREENBERG: Government offers Government Exhibit  
9 3010.

10 MR. FREEMAN: No objection.

11 THE COURT: Received.

12 (Government's Exhibit 3010 received in evidence)

13 MS. GREENBERG: Ms. Chen, could you please publish.

14 Could you zoom on just the first top part, the entry.

15 BY MS. GREENBERG:

16 Q. Mr. Geiger, looking at this top entry, whose handwriting is  
17 this?

18 A. Ms. Lasher's.

19 Q. Can you please read the top part up through Fioricet?

20 A. Dan, be careful, you misfiled eight RXs on 1/23/12.

21 Customers got tramadol, order was for Fioricet.

22 Q. What, if any, instruction had Ms. Lasher previously given  
23 you about who would be the last person to see the pills before  
24 they were shipped out?

25 A. That was the technicians.

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Geiger - direct

1 Q. So after you read this entry from Ms. Lasher, what, if any,  
2 conversation did you have with her?

3 A. She called me up and told me what had happened, and as I  
4 wrote in the notebook as well, I told her that I didn't make  
5 prescription errors because I do not have the final check  
6 before that prescription bottle is placed in the envelope and  
7 shipped to the customer.

8 Q. Did you say anything about how you wanted to proceed moving  
9 forward?

10 A. Yes. Then I also told her that from here on out, I was  
11 going to change the process, and when I check prescriptions the  
12 next time, I was going to wait until the technicians placed the  
13 label on the bottle and then I was going to do the final check  
14 to make sure the tablets in the bottle is what was on the  
15 label, and I was going to place it in the envelope and seal the  
16 envelope.

17 Q. How did Ms. Lasher respond?

18 A. She didn't say anything.

19 Q. What happened now on January 30, 2012?

20 A. When I reported for work?

21 Q. Yes.

22 A. I was scheduled to work that day at the Hellertown  
23 Pharmacy. On my way to work, I received a phone call informing  
24 me not to go in the store, that there was something wrong with  
25 the alarm system, and that Ms. Lasher would be there to open up

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Geiger - direct

1 the pharmacy.

2 Q. Just to be clear, it was phone call from Ms. Lasher or  
3 someone else?

4 A. It was from someone else.

5 Q. So did you go to the store?

6 A. I was at the store waiting in my car until Ms. Lasher  
7 showed up.

8 Q. So could you get into the store at that time?

9 A. I didn't try because I was told not to because something  
10 was wrong with the alarm system. I didn't want to set off the  
11 alarm system.

12 Q. Did there come a time when you entered the store?

13 A. Yes. Ms. Lasher came, got out of her car, unlocked the  
14 door. I saw her doing something with the alarm system, and  
15 while she was doing that, I got out of my car and walked up  
16 towards the door.

17 Q. Did you work that day?

18 A. Yes, I did.

19 Q. What did you do that day?

20 A. Well, I did my scheduled time that I was supposed to do,  
21 and at the end of the day, I wrote up my letter of resignation,  
22 drove over to the Palmer Pharmacy, and presented it to her.

23 Q. That same day, you testified earlier that you thought you  
24 were going to be terminated. Why did you think that?

25 A. Because I received another phone call shortly after the

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Geiger - direct

1 first one informing me that the locks to the stores had been  
2 changed and that's why I couldn't get into the store. And  
3 while I was at the store, I actually tried the key that I had,  
4 and the key didn't unlock the door.

5 Q. Was it on that basis that you believed you were going to be  
6 terminated?

7 A. Yes.

8 Q. You said at the end of the day you submitted a resignation  
9 letter to Ms. Lasher?

10 A. Yes.

11 Q. Prior to submitting that resignation letter, did you make  
12 any entries into the log book?

13 A. Yes, I did.

14 MS. GREENBERG: Ms. Chen, could you put up the next  
15 entry.

16 BY MS. GREENBERG:

17 Q. Mr. Geiger, just looking at the date, this is the date that  
18 you resigned, January 30, 2012?

19 A. Yes.

20 Q. Can you please read your entry to the log book?

21 A. Lena, I did not misfile any order, as you have the  
22 technicians place the label on the bottle and placed in an  
23 envelope to be shipped. The pharmacists do not do final  
24 verification based on your process for mail orders.

25 Q. You underlined "your." Why did you do that?

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Geiger - direct

1 A. Because it was her process.

2 MS. GREENBERG: Ms. Chen, could you take this down,  
3 please? Thank you.

4 Q. After you resigned on January 30, 2012, what did you do?

5 A. I started to put together my letter to the state board of  
6 pharmacy, my letter of complaint.

7 Q. How soon after you resigned did you file your complaint?

8 A. I mailed it in February, sometime in February.

9 Q. Do you recall how soon after?

10 A. Yes. It was days to weeks after I resigned.

11 Q. Did you tell anyone you were going to make a complaint  
12 against Ms. Lasher?

13 A. Yes, I did.

14 Q. Who did you tell?

15 A. I told several of the other employees who had worked there.

16 Q. Did you show them your complaint?

17 A. Yes, I did.

18 Q. In your complaint, did you report about the topic of  
19 Ms. Lasher's supervision?

20 A. Yes.

21 Q. Did you report about the topic of the Internet prescription  
22 orders in both pharmacies?

23 A. Yes.

24 Q. Did you report about the topic of labeling of the totes?

25 A. Yes.

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Geiger - direct

1 Q. Did you report about the topic of counting of prescription  
2 drugs?

3 A. Yes.

4 Q. Did you report about the topic of handling customer  
5 complaints?

6 A. Yes.

7 Q. Did you report about the topic of returned medications?

8 A. Yes.

9 Q. Did you report about the topic of misuse of controlled  
10 substances?

11 A. Yes.

12 Q. Did you report about the topic of a doctor who had an  
13 addiction problem?

14 A. Yes.

15 Q. That doctor, did you report regarding the substance of  
16 opium tincture?

17 A. Yes.

18 Q. Did you report about the verification of prescription  
19 orders?

20 A. Yes.

21 MS. GREENBERG: No further questions at this time.

22 CROSS-EXAMINATION

23 BY MR. FREEMAN:

24 Q. Is Exhibit 1023 a computer printout of substances that were  
25 reported to Pennsylvania? Do you remember seeing that?

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Geiger - cross

1           3003, I'm sorry. Do you remember looking at that?

2 A. Yes.

3 Q. Next to patient Dr. Craig Haytmanek, there is a name Eric  
4 Cochran, correct?

5 A. Yes.

6 Q. Eric Cochran is Craig Haytmanek's primary care physician  
7 and you know that, right?

8 A. No, I do not.

9 Q. You didn't call to find out, did you?

10 A. No.

11 Q. You suspected Dr. Craig Haytmanek of being addicted to  
12 opium and you didn't call his primary care physician?

13 A. I didn't know who his primary care physician was.

14 Q. You didn't ask him?

15 A. There was no need to.

16 Q. But you were concerned for his health, as I understand it?

17 A. Yes.

18 Q. You didn't call his primary care physician to --

19 A. No, I did not, because I did not know who it was.

20 Q. So we are clear, you didn't know who it was, but you didn't  
21 ask him?

22 A. I did not ask Cochran, no.

23 Q. Nor did you ask Haytmanek?

24 A. No.

25 Q. You worked at Hellertown for approximately three months, is

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Geiger - cross

1 that right?

2 A. Both pharmacies for three months, yes.

3 Q. You were hired by Lena Lasher?

4 A. Yes.

5 Q. Is it fair to say that you didn't like Lena Lasher?

6 A. No.

7 Q. That's not fair to say?

8 A. No, it's not.

9 Q. Is it fair to say that there came a point in your employ at  
10 Hellertown and Palmer that you didn't like her?

11 A. No.

12 Q. Is it fair to say that you didn't respect her?

13 A. Yes.

14 Q. You were in the Navy for approximately 25 years, correct?

15 A. Yes.

16 Q. You finished your stint in the Navy as a lieutenant  
17 commander?

18 A. Yes.

19 Q. Percentagewise, using the Navy as the entire universe, only  
20 a small percentage of people make grade as lieutenant  
21 commander, correct?

22 A. No.

23 Q. Is it fair to say that they're in the minority?

24 A. No.

25 Q. Let me phrase it a different way. It's a high rank, is it

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Geiger - cross

1 not?

2 A. It's a middle rank.

3 Q. You were used to giving out orders when you were a  
4 lieutenant commander, correct?

5 A. I was used to leading, yes.

6 Q. You didn't like Lena Lasher's leadership style, correct?

7 A. Yes.

8 Q. Over time, your dislike of her leadership style got greater  
9 and greater and greater, correct?

10 A. Yes.

11 Q. Didn't it feel petty to you that she was making you sign  
12 memos to acknowledge that they were read?

13 A. No.

14 Q. Had you ever done that before as a lieutenant commander?

15 A. Yes.

16 Q. Didn't it seem petty and unfair that the sick policy  
17 changed in the way it did?

18 A. Yes.

19 Q. Did you ever meet Peter Riccio?

20 A. Once.

21 Q. Was it at a meeting, was it at a party; do you recall the  
22 circumstances?

23 A. He visited the Palmer Pharmacy.

24 Q. Did you know that he was the owner of Palmer and Hellertown  
25 and Towne Pharmacy in New Jersey?

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Geiger - cross

1 A. Yes.

2 Q. You knew that he was above Lena Lasher, correct, in the  
3 chain of command?

4 A. Yes.

5 Q. Did you see e-mails at any time during your employ  
6 indicating that Riccio was directing Lena Lasher to do certain  
7 tasks?

8 MS. GREENBERG: Objection.

9 A. No.

10 Q. You indicated on direct examination that you were planning  
11 to file a complaint against Lena Lasher, if I heard you  
12 correctly, is that right?

13 A. Yes.

14 Q. It was not against the pharmacy, it was against Lena Lasher  
15 the person, correct?

16 A. It was against Lena Lasher the pharmacy manager.

17 Q. Lena Lasher, comma, the pharmacy manager, is that what you  
18 meant?

19 A. Yes.

20 Q. Not against the pharmacy?

21 A. No.

22 Q. You indicated that there was a plan in your mind to file a  
23 complaint before you left, correct?

24 A. No.

25 Q. Think about your answer, please.

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Geiger - cross

1 A. I thought about filing the complaint, but it wasn't filed  
2 until after I left.

3 Q. I apologize if I was unclear. You were planning to file a  
4 complaint, you didn't file it until after you left?

5 A. Yes.

6 Q. Can you estimate, during the three-month period you worked  
7 there, when you started thinking about filing a complaint?

8 A. The end of December, beginning of January.

9 Q. So that would be approximately a month before you left?

10 A. Yes.

11 Q. You didn't quit before January 30, 2012, correct?

12 A. Correct.

13 Q. Part of your plan was to stay on until you found another  
14 job, correct?

15 A. Yes.

16 Q. The items that you were asked about on direct examination,  
17 I'm sure you will recall the questions, it was a list of topics  
18 that were in your complaint. Do you remember that question?

19 A. Yes.

20 Q. Those topics were going to be the subjects of your  
21 complaint, correct?

22 A. Yes.

23 Q. But none of those topics in December of 2011 were topics  
24 that forced you to quit the employ at the pharmacies, correct?

25 Let me rephrase the question. It might have been unclear.

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Geiger - cross

1           There were certain topics that were in your complaint,  
2 correct?

3 A. Yes.

4 Q. Those topics, were they part of your planned complaint that  
5 you were thinking about in December?

6 A. Yes.

7 Q. None of those topics caused you to quit working at the  
8 pharmacy in December, correct?

9 A. No.

10 Q. It's not correct?

11 A. It's not correct.

12 Q. But you didn't quit?

13 A. I didn't quit.

14 Q. In fact, you didn't quit and you didn't write a termination  
15 letter until David Allen called you and said, You're going to  
16 be fired, correct?

17 A. He called me and told me the locks were going to be changed  
18 and I asked him if he thought I was going to be terminated.

19 Q. And he said yes?

20 A. He said he believed I was, yes.

21 Q. Isn't it accurate to say that that is the chronology, that  
22 you were told that you were going to be fired or that it was a  
23 good chance you were going to be fired, and then later that  
24 day, you penned a resignation letter by hand and delivered it  
25 to Lena Lasher at the end of the day?

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Geiger - cross

1 A. Yes.

2 Q. Do you know when Hellertown Pharmacy began business?

3 A. Approximately, I do.

4 Q. Would it be about 2007?

5 A. I thought it was later than that, but I guess it's  
6 possible.

7 Q. What did you think?

8 A. I thought it was around 2010.

9 Q. Well, regardless of the date that it started, the pharmacy  
10 was up and running before you started working there?

11 A. Yes.

12 Q. Do you know when the cameras were installed?

13 A. No.

14 Q. Do you know who ordered the cameras to be installed?

15 A. No.

16 Q. Do you know who paid for the cameras to be installed?

17 A. No.

18 Q. Do you know who requested or directed their location?

19 A. No.

20 Q. Getting back to my earlier question, what was the occasion  
21 that you met Mr. Riccio? I'm not sure.

22 A. I came to the Palmer Pharmacy once on an inspection, I  
23 believe.

24 Q. He did not hold a meeting while you were there that day?

25 A. I wasn't part of the meeting.

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Geiger - cross

1 Q. To your recollection, you were not part of any meeting that  
2 he held?

3 A. That is correct.

4 Q. You don't know what directions, if any, he gave Lena Lasher  
5 on a daily basis, correct?

6 A. Correct.

7 Q. Did you ever meet Carl Riccio?

8 A. His son? Yes.

9 Q. Under what circumstances did you meet Carl Riccio?

10 A. He would come to the Palmer Pharmacy once a month maybe.

11 Q. Were you ever present for any meetings with Carl Riccio?

12 A. No.

13 Q. Did you see any meetings with Carl Riccio and techs or Carl  
14 Riccio and other pharmacists?

15 A. No.

16 Q. You indicated yesterday on direct examination that policy  
17 changes were made -- I'm paraphrasing -- policy changes were  
18 made that resulted in memos based on things that happened. Do  
19 you remember that statement?

20 A. Yes, I do.

21 Q. Did policy change regularly?

22 A. Weekly.

23 Q. The policy as you understand it, based on these memos and  
24 things that were said to you, were told to you by Lena Lasher,  
25 correct?

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Geiger - cross

1 A. Some were told and some were written.

2 Q. But told or written by Lena Lasher?

3 A. Yes.

4 Q. Did you also work for Stephen Goloff?

5 A. Not for him.

6 Q. Well, maybe that was a bad choice of words. When Lena  
7 Lasher worked at Hellertown, she was the pharmacy in charge,  
8 correct, or as you put it yesterday managing pharmacy?

9 A. Yes.

10 Q. There were times when you worked at Hellertown that she  
11 wasn't present, am I correct?

12 A. Yes.

13 Q. Who was the pharmacist in charge or your direct supervisor  
14 or any concept like that when she wasn't there?

15 MS. GREENBERG: Objection.

16 MR. FREEMAN: I'll rephrase.

17 BY MS. GREENBERG:

18 Q. When you were hired, you were hired adds an as needed or a  
19 part-time pharmacist?

20 A. Yes.

21 Q. You weren't guaranteed a number of hours, were you?

22 A. No.

23 Q. You testified earlier that at least on one occasion your  
24 hours were cut, correct?

25 A. Yes.

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Geiger - cross

1 Q. Wasn't there an occasion when your hours were raised  
2 because Eric Correa was on vacation?

3 A. I don't know a reason why they were raised, but my hours  
4 were raised.

5 Q. Was there a time when you worked at Hellertown when  
6 Ms. Lasher was not present when you were working with another  
7 pharmacist who was higher than you in the chain of command?

8 A. No.

9 MS. GREENBERG: Objection.

10 THE COURT: I think he can answer that.

11 MR. FREEMAN: Pardon?

12 THE COURT: I think he can answer that.

13 MR. FREEMAN: Would you answer it, please?

14 A. No.

15 Q. Was Stephen Goloff equal to you?

16 A. Yes.

17 Q. Was Stephen Goloff the pharmacist in charge for Palmer  
18 Pharmacy?

19 A. His name was on the license, yes.

20 Q. His name was on the license as pharmacist in charge?

21 A. Yes.

22 Q. Of Palmer?

23 A. Of Palmer.

24 Q. So when he was at Hellertown, he was not the pharmacy in  
25 charge, so therefore he was equal to you?

F57sLAS1

Geiger - cross

1 A. Yes.

2 Q. Were there any other pharmacists that you worked with at  
3 Hellertown?

4 A. Other than Ms. Lasher and Steve Goloff, those are the only  
5 two pharmacists that I worked with at Hellertown.

6 Q. When you worked at Palmer, you worked with Stephen Goloff  
7 there, correct?

8 A. Never, no.

9 Q. Who did you work with at Palmer?

10 A. I usually worked by myself, but sometimes Ms. Lasher would  
11 be there.

12 Q. Did you ever work with Eric Correa?

13 A. Eric Correa, yes, Eric would relief me or I would relieve  
14 him.

15 Q. Was David Allen a tech? He was a tech, was he not?

16 A. He was a certified pharmacy technician, yes.

17 Q. But he had managerial responsibilities for the two stores,  
18 correct?

19 A. He had the front retail management responsibilities of  
20 Palmer. That's where he worked most of the time. I didn't see  
21 help very -- I don't remember seeing him at Hellertown.

22 Q. Did you meet Sandra Arnao, do you recall meeting someone by  
23 that name?

24 A. On occasion, yes.

25 Q. She was involved in the financial end of the pharmacies?

F57sLAS1

Geiger - cross

1 A. Yes.

2 Q. Do you know who signed your check?

3 A. I can't say I ever looked at that, no.

4 Q. To your recollection, it was not Lena Lasher, correct?

5 A. I don't know who signed by check.

6 Q. Do you recall testifying yesterday regarding some persons  
7 from the New York area getting prescriptions filled for  
8 oxycodone?

9 A. Yes.

10 Q. Do you remember when that was?

11 A. I believe I filled the prescription sometime in January.

12 Q. January 2012?

13 A. 2012.

14 Q. Now, there was testimony regarding a prescription for opium  
15 tincture, correct?

16 A. Yes.

17 Q. Would you spell tincture?

18 A. T-i-n-c-t-u-r-e.

19 Q. What is a tincture?

20 A. Tincture is a liquid base that contains some alcohol in it,  
21 but it is considered a base, a preparation that you would use  
22 to dissolve medications in.

23 Q. Do you know how many prescriptions in total were filled for  
24 this opium tincture?

25 A. I never counted them, no.

F57sLAS1

Geiger - cross

1 Q. Do you know how many --

2 THE COURT: Do you mean for one person?

3 MR. FREEMAN: For one person.

4 Q. Do you know how many were filled by Goloff?

5 A. I don't know the number. I know he did. I don't know what  
6 the number was.

7 Q. Would it be refresh your recollection if I said 14?

8 MS. GREENBERG: Objection.

9 MR. FREEMAN: I'll withdraw the question.

10 Q. To your knowledge, did Goloff's prescription fills for  
11 opium tincture for Dr. Craig Haytmanek exceed Lena Lasher's  
12 prescriptions that she wrote that were filled?

13 MS. GREENBERG: Objection. He just said he doesn't  
14 know.

15 THE COURT: If you want to show him something to  
16 refresh his recollection.

17 MR. FREEMAN: I'll do it through a witness.

18 THE COURT: If he has a recollection.

19 BY MR. FREEMAN:

20 Q. When you fill a prescription like opium tincture, do you  
21 have to input it in a computer so that the state of  
22 Pennsylvania gets notice either immediately or shortly  
23 thereafter of the fact that you filled a prescription of that  
24 type?

25 A. I didn't know the ins and outs of the computer system.

F57sLAS1

Geiger - cross

1 Q. I am talking about a general regulation for any pharmacy in  
2 Pennsylvania.

3 A. Again, I didn't know what the process was after input the  
4 prescription into the system. I didn't know what happened  
5 behind the scenes.

6 Q. Does a pharmacist, to your knowledge, does a pharmacist to  
7 your knowledge have an obligation to input, at that time, to  
8 input at that time meaning January of 2012, does the pharmacist  
9 have to input the fact that this particular medication, which  
10 is a controlled substance, was filled?

11 A. Yes.

12 Q. How does the pharmacist do that?

13 A. Sitting at a computer terminal with a keyboard and  
14 inputting the information into the pharmacy system.

15 Q. If I understand you correctly, you're saying that that is  
16 the obligation of the pharmacist and that is what you did when  
17 you filled the prescription for opium tincture, you just don't  
18 know what happens mathematically or in computer terms how the  
19 information flows from there to the state?

20 THE COURT: He doesn't know whether he does or it  
21 doesn't.

22 A. I don't know.

23 Q. But you know that there is an obligation to put it in?

24 A. It was our process, yes.

25 Q. When you say "our process," what do you mean? Whose

F57sLAS1

Geiger - cross

1 process?

2 A. Anybody who worked any of the pharmacists who worked there  
3 and filled prescriptions.

4 Q. Before you worked at Hellertown, you worked as a  
5 pharmacist, correct?

6 A. Yes.

7 Q. I know there was a time when you worked as a pharmaceutical  
8 rep, but when was the last time you worked as a pharmacist  
9 prior to November 2011?

10 A. 1995.

11 Q. Were you out of the game from 1995 until 2011?

12 MS. GREENBERG: Objection.

13 MR. FREEMAN: I'll withdraw the question.

14 Q. Were you working as a pharmacist in any capacity from 1995  
15 to 2011?

16 THE COURT: What do you mean working as a pharmacist?

17 BY MR. FREEMAN:

18 Q. Were you doing retail pharmacy, online pharmacy, made order  
19 pharmacy, were you working as a pharmacist in a brick and  
20 mortar pharmacy?

21 A. No.

22 Q. Had you been taking pharmacy continuing education courses?

23 A. Yes.

24 Q. It's your understanding, as of 2011, that the pharmacist's  
25 obligation is to input a prescription involving a controlled

F57sLAS1

Geiger - cross

1 substance, correct?

2 A. Yes.

3 Q. That's what you did when you were at Hellertown and Palmer,  
4 you inputted any controlled substances into the computer that  
5 was at the pharmacies, one of the two pharmacies, correct?

6 A. Yes.

7 Q. You received training before you started working at  
8 Hellertown/Palmer, am I correct?

9 A. Yes.

10 Q. On-the-job training, correct?

11 A. Yes.

12 Q. For two weeks?

13 A. For two weeks, yes.

14 Q. Who was your teacher? Who was your supervisor there?

15 A. Ms. Lasher.

16 Q. That was one of the things that she instructed you on was  
17 to use how to use the computer and to input either all  
18 prescriptions or certain prescriptions?

19 A. Yes.

20 Q. Was there ever a time while you were working at Hellertown  
21 or Palmer where you received a prescription and you felt it  
22 necessary to call a physician, the physician that wrote the  
23 prescription?

24 A. Yes.

25 (Continued on next page)

F57elas2

Geiger - cross

1 BY MR. FREEMAN:

2 Q. And did you do it?

3 A. Yes.

4 Q. There was testimony yesterday about a patient profile. Do  
5 you remember that testimony?

6 A. Yes.

7 Q. Now, was the patient profile, did that need to be inputted  
8 separately from inputting a prescription, or is it  
9 automatically created by the software?

10 A. No. You have to create the patient profile first before  
11 you can fill the prescription.

12 Q. What if the patient profile is already filled in and it  
13 exists at the pharmacy; you don't have to fill it in again, do  
14 you?

15 A. No. You don't have to re -- if the patient information is  
16 there, the profile is already created, then you don't need to  
17 do it again.

18 Q. Do you recall testifying yesterday regarding a -- and we  
19 talked about this briefly a moment ago -- a prescription for  
20 oxycodone where the person lived in the Bronx?

21 A. Yes.

22 Q. Now, you said you had suspicions regarding that particular  
23 prescription, correct?

24 A. Yes.

25 Q. Do you remember saying that it was typed in tiny letters,

F57elas2

Geiger - cross

1 or words to that effect?

2 A. Yes.

3 Q. Did you call the doctor?

4 A. No.

5 Q. Did you call the police?

6 A. No.

7 Q. Do you recall using the term or the word -- and I may  
8 butcher it, but I think it's -- I'll spell it first,  
9 P-R-O-V-I-N-G-I-L -- Provigil?

10 A. Provigil, yes.

11 Q. That's a medication, right?

12 A. Yes.

13 Q. And that's a medication that could be used for serious  
14 diarrhea or gastrointestinal problems, correct?

15 A. No.

16 Q. What is it used for?

17 A. Provigil is a stimulant.

18 Q. And that stimulant, was that another prescription that you  
19 saw?

20 A. Yes.

21 Q. At the same time you saw the oxycodone?

22 A. No.

23 Q. When did you see the Provigil?

24 A. With the opium tincture.

25 Q. And that was one of the so-called red flags? There were

F57elas2

Geiger - cross

1 two medications that had opposite effects, am I correct?

2 A. That produced no red flag to me.

3 Q. Okay. Is Provigil a medication that has potential for  
4 abuse?

5 A. Yes.

6 Q. When you were about to leave the employ -- withdrawn. I'll  
7 rephrase that.

8 When you were out looking for a job and you were  
9 thinking of leaving, when you found out that you were leaving,  
10 you spoke to other people who worked at Palmer and Hellertown  
11 to see if they would be witnesses for you in your complaint, is  
12 that right?

13 A. Yes.

14 Q. And that was Goloff?

15 A. He was one, yes.

16 Q. And David Allan was another?

17 A. Yes.

18 Q. And did you speak to James Barnes?

19 A. Yes.

20 Q. And you told them about your plan to file a complaint,  
21 right?

22 A. Yes.

23 Q. And you were enlisting them as witnesses on your behalf  
24 against Lena Lasher, correct?

25 MS. GREENBERG: Objection.

F57elas2

Geiger - cross

1                   THE COURT: Sustained.

2 Q. Were you asking them to support you?

3 A. Yes, I was.

4                   THE COURT: Just to clarify, did you speak to these  
5 people before you actually left?

6                   MR. FREEMAN: Yes, I think so. We can ask the  
7 witness.

8                   THE COURT: I thought the answer originally was the  
9 opposite, so I just want to be clear.

10                  Did you speak to these other three people before you  
11 resigned or were terminated or afterwards?

12                  THE WITNESS: Afterwards.

13                  THE COURT: That's what I --

14 BY MR. FREEMAN:

15 Q. How long afterwards?

16 A. A couple of weeks.

17 Q. While you were working at Hellertown, did you discuss your  
18 disrespect for Lena Lasher with those same potential witnesses?

19 A. No.

20 Q. You never shared your disrespect for Lena Lasher with David  
21 Allan, the person that called you to warn you that you were  
22 going to be fired?

23                  MS. GREENBERG: Objection. It's asked and answered.

24 He said he didn't speak to anybody about disrespecting  
25 Ms. Lasher.

F57elas2

Geiger - cross

1                 THE COURT: Right. You can answer. Before you  
2 left --

3                 MR. FREEMAN: Yes.

4                 THE COURT: -- did you speak to David Allan concerning  
5 your disrespect for Ms. Lasher?

6                 THE WITNESS: I didn't put it in those -- using that  
7 word, no.

8 BY MR. FREEMAN:

9 Q. Did you complain?

10 A. Yes.

11 Q. Frequently?

12 A. Define frequently.

13 Q. Once a week?

14 A. I'd say it was once a week, may -- yes.

15 Q. Now, so we're clear, after you left the employ of  
16 Hellertown/Palmer, you spoke to David Allan, Steven Goloff.  
17 Who else did you speak to?

18 A. Eric Carrera, James Barnes, Katie Scott, Albert Buck and  
19 Jordan Boyer.

20                 MR. FREEMAN: I have nothing further.

21 REDIRECT EXAMINATION

22 BY MS. GREENBERG:

23 Q. I'll be brief, Mr. Geiger.

24                 So starting with opium, when you got the script from  
25 Dr. Haytmanek on January 7, 2012, who was listed on the

F57elas2

Geiger - redirect

1       prescription as the prescribing doctor?

2       A. Haytmanek, the same as the patient.

3       Q. And when you went into the profile in the Hellertown  
4           Pharmacy system, on each and every script when you looked at  
5           it, who was listed as the prescribing doctor?

6       A. Dr. Haytmanek, the same as the patient.

7       Q. Now, in anywhere in his profile or in any conversation did  
8           he mention that there was any other physician who was  
9           prescribing opium tincture for him?

10      A. No.

11      Q. In fact, he said to you that he was prescribing it for  
12           himself?

13      A. Yes.

14      Q. And he had told you that it was Ms. Lasher that was filling  
15           his scripts, correct?

16      A. He told me Ms. Lasher had filled prescriptions for him in  
17           the past.

18      Q. And when you spoke to Ms. Lasher, she knew who  
19           Dr. Haytmanek was, right?

20      A. Yes.

21      Q. She was aware that he was taking opium tincture, correct?

22      A. Yes.

23      Q. And when you told her of your concerns of Dr. Haytmanek  
24           having an addiction problem, she told you to continue filling  
25           the scripts, correct?

F57elas2

Geiger - redirect

1 A. Yes.

2 MR. FREEMAN: Objection to the form. Leading.

3 MS. GREENBERG: I can --

4 THE COURT: Go ahead.

5 Q. Ms. Lasher didn't say anything to you about any other  
6 pharmacist being responsible for filling the prescriptions for  
7 Dr. Haytmanek, is that right?

8 A. Yes.

9 Q. Now, I want to talk about your time at Hellertown and  
10 Palmer pharmacies. When did you start working at Hellertown  
11 and Palmer pharmacies?

12 A. It was about the beginning of November.

13 Q. And I believe you testified during your direct examination  
14 that it was sometime in December when you decided that you were  
15 going to start looking for another job, is that right?

16 A. Late December, yes.

17 Q. So you'd been there, what, roughly a month or so?

18 A. Roughly almost two months.

19 Q. And it was at that time, after a month or two months, that  
20 you decided to start putting together a potential complaint?

21 A. Yes.

22 Q. And you left in January of 2012, correct?

23 A. Yes.

24 Q. So you were there less than three months?

25 A. Yes.

F57elas2

Geiger - redirect

1 Q. Now, during your time at Hellertown Pharmacy, you testified  
2 about the cameras. Who monitored those cameras every day?

3 A. Ms. Lasher monitored cameras a lot.

4 Q. Who was the one who was calling on a daily basis about what  
5 she was seeing on those cameras?

6 A. Ms. Lasher.

7 Q. Did you receive -- and the calls that she was referring to,  
8 these were calls about whether the people in the pharmacy were  
9 talking?

10 A. That was one of them.

11 Q. About whether they were standing around?

12 A. Yes.

13 Q. About anything she was observing in the pharmacy?

14 A. Yes.

15 Q. And those happened on a daily basis?

16 A. It was a daily basis, yes.

17 Q. Now, we've heard about other individuals. You mentioned  
18 Steven Goloff. Was Steven Goloff -- putting aside what was on  
19 the license, was Steven Goloff actually in charge of either of  
20 these pharmacies?

21 A. No.

22 Q. Did you ever take any direct orders from him?

23 A. No.

24 Q. Was he ever involved in any supervisory decisions; hiring,  
25 firing, disciplining anyone?

F57elas2

Geiger - redirect

1 A. Hiring, firing, no. During the course of his work he may  
2 have disciplined some of the other employees. I'm speculating  
3 on that.

4 Q. I don't want you to speculate. Is the answer you don't  
5 know about that?

6 A. I don't know about that.

7 Q. You were never present for him having a supervisory role in  
8 the pharmacy?

9 MR. FREEMAN: Objection.

10 MS. GREENBERG: You know what, strike it.

11 Q. With respect to -- we've heard about David Allan. Is David  
12 Allan presently deceased?

13 A. Yes.

14 Q. Now, David Allan, was he a direct supervisor in either of  
15 the pharmacies?

16 A. He may have provided some supervision for the other  
17 technicians at the Palmer pharmacy.

18 Q. Did he give Ms. Lasher direction?

19 A. No.

20 Q. Did he report to Ms. Lasher?

21 A. Yes.

22 Q. Did the staff at both of these pharmacies report to  
23 Ms. Lasher?

24 A. Yes.

25 MS. GREENBERG: No further questions.

F57elas2

Geiger - redirect

1                   MR. FREEMAN: No. Thank you.

2                   THE COURT: Good. Thank you very much. You're  
3 excused.

4                   (Witness excused)

5                   THE COURT: The government can call its next witness.

6                   MS. GREENBERG: The government calls Albert Buck.

7                   ALBERT BUCK,

8                   called as a witness by the Government,

9                   having been duly sworn, testified as follows:

10 DIRECT EXAMINATION

11 BY MS. GREENBERG:

12 Q. Good morning, Mr. Buck.

13 A. Good morning.

14 Q. Mr. Buck, how old are you?

15 A. Twenty-six.

16 Q. What is your educational background?

17 A. I'm GED, and Cortiva Institute for massage therapy.

18                   THE COURT: Say the second thing?

19                   THE WITNESS: Cortiva Institute for massage therapy.

20 Q. And are you currently employed?

21 A. Yes.

22 Q. In what position?

23 A. Massage therapy.

24 Q. Now, could you briefly describe your employment history.

25 A. Yes. My first job was McDonald's. Then Shop Rite as a

F57elas2

Buck - direct

1 cart pusher. BJ's Wholesale Club as a cart pusher and restock.  
2 Wawa for restocking. Hellertown Pharmacy as pharmacy  
3 technician. Hand and Stone as massage therapist.

4 Q. You just mentioned your work as a pharmacy technician at  
5 Hellertown Pharmacy. When did you begin working there?

6 A. July 2011.

7 Q. Now, did you receive a license to work as a pharmacy  
8 technician?

9 A. No.

10 Q. Any certification?

11 A. No.

12 Q. Did you have any course work in pharmacy -- as being a  
13 pharmacy technician prior to your working there?

14 A. No.

15 Q. What were your duties and responsibilities as a pharmacy  
16 technician at Hellertown Pharmacy?

17 A. Cashier, counting, counting prescriptions, shipping,  
18 printing out papers, putting papers together and filing.

19 Q. When you say "counting," did you ever count pills?

20 A. Yes.

21 Q. When did you stop working at Hellertown Pharmacy?

22 A. October 2012.

23 Q. For whom did you work?

24 A. Ms. Lasher.

25 Q. And do you recognize Ms. Lasher in the courtroom today?

F57elas2

Buck - direct

1 A. Yes.

2 Q. Could you please describe an article of clothing that she's  
3 wearing?

4 A. A red shirt.

5 MS. GREENBERG: May the record reflect Mr. Buck has  
6 identified the defendant.

7 THE COURT: It may.

8 Q. Who hired you to work at Hellertown Pharmacy?

9 A. Ms. Lasher.

10 Q. And who was your direct supervisor at Hellertown Pharmacy?

11 A. Ms. Lasher.

12 Q. Who trained you?

13 A. Ms. Lasher.

14 Q. On what topics did Ms. Lasher train you?

15 A. Counting, printing, cashiering.

16 Q. When you say "counting," are you referring to pill  
17 counting?

18 A. Yes.

19 Q. And when you say "printing," what kinds of paperwork did  
20 she train you on how to print?

21 A. An order sheet, invoice and prescription label.

22 Q. Now, who gave you instructions on your work?

23 A. Ms. Lasher.

24 Q. How did Ms. Lasher communicate with the pharmacy, with the  
25 people in Hellertown Pharmacy, when she was not physically

F57elas2

Buck - direct

1 present in the pharmacy?

2 A. By phone.

3 Q. And how many phone calls would Ms. Lasher make to the  
4 pharmacy in any given day?

5 A. Anywhere between one to three, I believe.

6 Q. Now, did you ever speak to her directly on any of these  
7 phone calls?

8 A. Yes.

9 Q. What kinds of things would Ms. Lasher say to you during  
10 these calls?

11 A. No talking; to work faster; and no laughing.

12 Q. I'm sorry. What was that?

13 A. No laughing.

14 Q. No laughing?

15 A. Yes.

16 Q. What, if anything, did Ms. Lasher say about whose pharmacy  
17 Hellertown Pharmacy was?

18 A. Her pharmacy.

19 Q. Would she refer to it as her pharmacy?

20 A. Yes.

21 Q. Now, you just testified about a number of different things  
22 Ms. Lasher would call the pharmacy about; talking, moving fast,  
23 smiling. How was Ms. Lasher able to know these things if she  
24 wasn't in the pharmacy?

25 A. By camera.

F57elas2

Buck - direct

1 Q. Were there cameras in the work areas of Hellertown  
2 Pharmacy?

3 A. Yes.

4 Q. Were there cameras positioned in all of the work areas at  
5 Hellertown Pharmacy?

6 A. Yes.

7 Q. Did Ms. Lasher have an area in the pharmacy where she  
8 worked?

9 A. Yes.

10 Q. Did you understand that to be her office space?

11 A. Yes.

12 Q. Did Ms. Lasher give any instructions as to whether anybody  
13 was able to touch anything in her space?

14 A. To do -- do not touch anything at her desk.

15 Q. Now, in what ways could a customer obtain drugs from  
16 Hellertown Pharmacy?

17 A. Walk-in prescription or Internet order.

18 Q. So what percentage of the business was Internet orders  
19 versus walk-in customers?

20 A. I would say about over 99 percent was Internet based.

21 Q. While you were working at Hellertown Pharmacy, were there  
22 any written protocols for pharmacy technicians?

23 A. Yes.

24 Q. Now let's focus on the Internet pharmacy for the moment.  
25 How many website companies did Hellertown Pharmacy work with?

F57elas2

Buck - direct

1 A. About eight.

2 Q. So I'd like to show you what's been admitted into evidence  
3 as Government Exhibit 1013. Now, I've given you a stack of  
4 materials. Just looking at one of those materials that you  
5 have in front of you, what are these?

6 A. I'm sorry. What was that?

7 Q. Sure. I've given you a stack of materials, and you're  
8 handling one piece of that stack. Can you just explain to us  
9 what it is you're holding?

10 A. Yes. An Internet order. This one is the order sheet with  
11 the drug name. This is the prescription label. And then this  
12 is the invoice. And then there's the shipping label.

13 Q. And the shipping label is placed on a shipping envelope?

14 A. Yes.

15 Q. Those materials that are in the shipping envelope, who  
16 prints out those materials?

17 A. Pharmacy technician.

18 Q. And where do you print those from?

19 A. The back room and the computer room.

20 Q. So let's just look at the questionnaire for the moment,  
21 what you've referred to as the order sheet. So what steps  
22 would you take when you would see these order sheets on a  
23 computer before you would print it out?

24 A. I would check the state to make sure that it's one of the  
25 states that we can ship to according -- by drug, or if it's a

F57elas2

Buck - direct

1 no-ship state. I would check the name to see if it's one of  
2 the names on the blacklist.

3 Q. So let's talk about each of those in turn. What is the  
4 no-ship list?

5 A. The no-ship list is a list of states that we cannot send  
6 orders to and certain states we couldn't send anything, certain  
7 states we couldn't send certain drugs.

8 Q. And what, if anything -- and let's talk about the  
9 blacklist.

10                   What is the blacklist?

11 A. The blacklist is a list of names that we cannot send to.

12 Q. When did that blacklist first begin to be used?

13 A. If I remember, about six months into working there.

14 Q. And when did you start working at Hellertown Pharmacy?

15 A. July 2011.

16 Q. And so you said for the first six months that you were  
17 working there, there was not a blacklist?

18 A. No.

19 Q. And how did the blacklist come about?

20 A. I believe one of the technicians made it.

21 Q. Now, is there a period of time during which a person who  
22 has ordered a prescription drug can't order that drug again?

23 A. Yes.

24 Q. Do you know what that time frame was? Was there a general  
25 time frame involved for you or did it differ?

F57elas2

Buck - direct

1 A. It differed from drug and quantity. For example, tramadol  
2 180 was I believe 21 to 23 days, was the -- how long it had to  
3 be in between. And Fioricet, I'm -- was between 10 to 14. I  
4 can't remember the exact time period of Fioricet. And Soma was  
5 the same as -- Soma 90 tablets was the same as the tramadol  
6 180, when it comes to the amount of time that it has to be  
7 between.

8 Q. And how did you know those different time frames from which  
9 you could order a drug for each of the different drugs?

10 A. There was a piece of paper on the walls that said when  
11 something could be ordered, or how far in between it had to be.

12 Q. So have you heard of customers who would order the drugs  
13 too soon, so within that time frame when they weren't allowed  
14 to order again?

15 A. I'm sorry. What was that?

16 Q. That wasn't a good question. Let me try again.

17 Were there ever occasions when customers would order  
18 the drug too soon?

19 A. Yes.

20 Q. Now, when you'd printed out those order sheets that had the  
21 list of questions on them, on those forms, was there ever --  
22 just the form itself, was there ever an indication of when the  
23 customer had last ordered the drug?

24 A. Yes.

25 Q. On the questionnaire itself?

F57elas2

Buck - direct

1 MS. GREENBERG: Ms. Chen, can you put that up.

2 A. Not on the questionnaire.

3 Q. So putting aside the questionnaire, then?

4 MS. GREENBERG: Ms. Chen, you can take it down.

5 Thanks.

6 Q. For the companies themselves on the computer in a separate  
7 place, would there ever be an indication of when the customer  
8 had last ordered that drug?

9 A. In -- in four of the systems there was a program called  
10 PCMS that said when the last time they ordered from that  
11 company was.

12 Q. So let's just take this step by step. I think you had  
13 testified earlier there were eight website companies?

14 A. Yes.

15 Q. And you just testified that four of those eight had a  
16 system where it would indicate the last time, the date of the  
17 last order of that drug?

18 A. Yes.

19 Q. So let's talk about those four companies first.

20 When you would see the date of the last time that the  
21 customer had ordered the drug, what would you then do?

22 A. I would check to see how far apart the -- from the last  
23 time they ordered was.

24 Q. So was there any kind of like an alert or something that  
25 would come up that would say they've ordered too soon within

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Buck - direct

1 that time frame?

2 A. No. We had to recognize visually.

3 Q. And when you say "we," to whom are you referring?

4 A. To the technicians.

5 Q. So if a customer ordered a pain medication, then, from two  
6 different website companies on the same day, would that come up  
7 on the screen?

8 A. No.

9 Q. So was there any way within one website company's order  
10 history to indicate whether the customers were ordering from  
11 any of the other websites at the same time?

12 A. No.

13 Q. So for these four companies, where it did indicate the date  
14 of the last order, what, if anything, instruction did  
15 Ms. Lasher give you regarding these patients who you and the  
16 other technicians would identify as ordering too soon?

17 A. What is the procedure?

18 Q. Yes.

19 A. The procedure was while checking the PCMS system to see  
20 when the last order was, if it was to be determined too soon,  
21 to write down the order ID number, the drug quantity and the  
22 name of the person that ordered.

23 Q. And what would you do with that information once you wrote  
24 it down?

25 A. Usually towards the end of the day, or if there was enough

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Buck - direct

1 time, sometime during the day we would send to the company that  
2 ordered, that the clients ordered from.

3 Q. Now, in terms of going through and sort of making the  
4 calculations for different drugs about when it was too soon,  
5 did it make it more or less difficult that you had to work  
6 fast?

7 A. It made it very hard for -- to be accurate and to -- to be  
8 able to work fast was very difficult.

9 Q. I'm sorry. I want to make sure that I ask the proper  
10 question before, then.

11 Whose policy was it to work fast in the pharmacy?

12 A. Ms. Lasher.

13 Q. Again, just sticking with the companies, the four companies  
14 out of eight where they do have the order listed, how many  
15 scripts were coming in from those companies in a given day?

16 A. It usually ranged between 200 to 500. Some days it was  
17 close to 1,000.

18 Q. And so for each of those, while working fast, you're also  
19 trying to compute for each different drug's time period, if  
20 they ordered too soon?

21 A. Yes.

22 Q. So let's talk about the other four companies, the ones  
23 where it does not indicate a date of when the customers last  
24 ordered on the computer. So in that case, if that information  
25 is not on the computer, how do you know when the customer last

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Buck - direct

1 placed an order for the drug?

2 A. To remember the name and check it to the cold copies.

3 Q. What do you mean, "to remember the name"?

4 A. To recognize the name of the person that ordered.

5 Q. So let me just give an example. So if you see a name John  
6 Smith, and that name you happen to think may be somebody who  
7 had ordered within the last 25 days of orders, it's at  
8 that point that you're then going to do some kind of a check to  
9 see if they ordered too soon?

10 A. To see if they ordered too soon, I would check through --

11 Q. I'm sorry, Mr. Buck. I think I was asking a different  
12 question. Let me be more clear.

13 So it would be the responsibility of the pharmacy  
14 technician to remember or be able to identify the name of the  
15 person that they thought may have ordered too soon for these  
16 companies because the information was not on the computer?

17 A. Yes.

18 Q. And this is for basically a 25-day period roughly, give or  
19 take, for different drugs; that you would have to identify to  
20 yourself whether that name may have come up in an order too  
21 soon?

22 A. Yes, unless it was on some of the systems that had the --  
23 four of the systems that had the PCMS.

24 Q. I'm sorry.

25 A. That we could search -- if we went to the computer, we

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Buck - direct

1 could manually search by typing in, and it would tell us the  
2 person ordered. But that was only for four of the companies  
3 that had that system.

4 Q. So I think we understand the process for the four  
5 companies, right, where you do have the information; it says to  
6 you on the computer what date they last ordered, right?

7 A. Yes.

8 Q. So I want to talk about the other four companies on the  
9 computer, where on the computer there is no date ordered. So  
10 you don't know the last date?

11 A. No.

12 Q. So the way that you would do it is you would have to  
13 remember a name of an individual and whether or not they had  
14 ordered within the last three weeks?

15 A. Yes.

16 Q. And that's out of how many scripts per day are you looking  
17 at, for those companies?

18 A. Usually between 50 to 200 per day.

19 THE COURT: That's you personally? In other words,  
20 you were doing the work on 50 to 200 prescriptions every day,  
21 or the whole pharmacy was filling 50 to 200 prescriptions a  
22 day?

23 THE WITNESS: On one particular system for that many  
24 that didn't have the PCMS system -- I believe it was called  
25 Motto -- if the person was working on that one that day, it

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Buck - direct

1 would be usually between 50 to 200.

2 THE COURT: So for each of the Internet companies that  
3 you were dealing with, you received between 50 and 200 orders  
4 each day?

5 THE WITNESS: On the Motto system.

6 THE COURT: Okay.

7 BY MS. GREENBERG:

8 Q. Let me see if I can clarify. Each computer, would each  
9 computer correspond to one or two systems?

10 A. Yes.

11 Q. And would one technician be working at each of the  
12 individual computer stations?

13 A. It varied from day to day. Usually there was anywhere  
14 between one to three people working in the back room on  
15 computers.

16 Q. But in a typical day would you focus on printing out the  
17 orders from one computer system?

18 A. One, one to two computer systems, usually two.

19 Q. And for that one or two computer -- well, just sticking  
20 with one computer system, roughly how many in a day scripts  
21 would you be looking at?

22 A. Usually about 50 to 200, unless it was the -- one of the  
23 computers, there was a computer that printed out -- we  
24 described as CA in the pharmacy, in which that one on some days  
25 was -- could be up to a few hundred.

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Buck - direct

1 Q. Now, that's per day. So once you figure out, or you  
2 remember a name that you think, just sticking with the four  
3 companies now where the information is not listed on the  
4 website as to whether they last ordered, the other four  
5 companies where that information is not there, you think you  
6 may remember a name, what do you then do? How do you check to  
7 know when they last ordered?

8 A. Look through the cold copies.

9 Q. Do you mean physical printouts of the hard copies of the  
10 questionnaires?

11 A. Yes.

12 Q. And you would do this for, again, we're talking for how --  
13 what period of time would you have to then look to see if they  
14 had ordered?

15 A. For tramadol, I believe it was 23 days; Fioricet was  
16 between 10 to 14 I think.

17 Q. So let's just stick with the first one. Tramadol you said  
18 was what?

19 A. Twenty-three.

20 Q. Twenty-three days. So you would have to go through  
21 twenty-three days of hard copy order sheets to see if that same  
22 name that you remembered came up again and ordered too soon?

23 A. Yes.

24 Q. What kind of volume are we talking about for that 23 -- how  
25 many scripts roughly would you have to go through?

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Buck - direct

1 A. I think roughly about 1,000 to 4,000.

2 Q. So you'd have to go through thousands?

3 A. Yes.

4 Q. Let me just show you an example of an exhibit, and I want  
5 you to show me generally, when I show you this exhibit, how it  
6 is you would go back and check to see if that first name still  
7 came up.

8 So, Mr. Buck, if you could just look at some of these  
9 scripts. This is just one box. How many boxes would you say  
10 of scripts would you be looking at to do this check for a "too  
11 soon" customer.

12 A. Usually one to two boxes.

13 Q. So this is an example of one box. So take out the scripts.  
14 What is your process? What do you do to check the names?

15 Can you stand up so that the jury can see you.

16 A. I would straighten the papers out and I would grab papers  
17 like this, then check for the name.

18 Q. Mr. Buck, that stack that you just pulled out, that's not  
19 even -- how much of that little box there would you say you  
20 just did that for?

21 A. That I skimmed through, probably about 50.

22 Q. And how many more would you say are in that little box that  
23 you just looked at?

24 A. This one, about --

25 Q. What percentage would you say that you just pulled out of

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Buck - direct

1 that little box?

2 A. 5 percent.

3 Q. Now, looking at -- and you just pulled out a stack from  
4 that little box. That's in a larger box, correct?

5 A. Yes. They're usually larger boxes about this big.

6 Q. About as big -- you can go out and inspect the larger box.

7 A. Usually about, about this size, maybe sometimes a little  
8 wider.

9 Q. For the record, Mr. Buck, your hands were about a few feet  
10 apart in each direction?

11 A. Yes. Maybe about 20 inches apart, 20 by 20, about.

12 Q. And it would be more than one of those boxes that you'd be  
13 looking at to check if a customer had ordered too soon?

14 A. One to two, depending on if it was a -- if it was a new box  
15 or an old box.

16 Q. And is that just for one company?

17 A. Yes.

18 Q. So what about, is there any way to then check to see if  
19 that customer that you remembered that may have ordered before  
20 had ordered -- was ordering from any of the other companies  
21 that also didn't have the last order date there?

22 A. We would have to check the cold copies for those as well.

23 Q. So is that something that you would do?

24 A. Yes.

25 Q. So how many more boxes would you have to go through?

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Buck - direct

1 A. Three, I believe.

2 Q. How long would this take you in any given day -- let me ask  
3 this a different way.

4 In any given day, how many names did you remember that  
5 may have ordered too soon because they had ordered in the past  
6 few weeks?

7 A. I usually check a few a day.

8 Q. And how long did it then take you to do this check, where  
9 you'd go through these boxes and check to see if the name had  
10 come up in orders before?

11 A. Usually took me between 15 to 30 minutes. I usually  
12 skimmed through the papers.

13 Q. And this process that you're doing to do this check, did  
14 Ms. Lasher tell you to do this process?

15 A. Yes. To check through the cold copies if we thought that  
16 they may have ordered too soon.

17 Q. Again, I'm going to go back to another question I asked you  
18 with respect to the system, the four companies where the name  
19 did come up. Now, for these companies, where the name doesn't  
20 come up and you go through this process, are you still being  
21 instructed by Ms. Lasher to work fast?

22 A. Yes.

23 Q. How did that affect your ability to check using this  
24 process?

25 A. It was very difficult.

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Buck - direct

1 Q. Would you say that -- did you have any concern that working  
2 fast would affect your ability to accurately find customers who  
3 had ordered too soon?

4 A. Yes.

5 Q. Now, what, if any, responsibility did you have to examine  
6 each questionnaire?

7 A. Each questionnaire would check the state that it's being  
8 shipped to, the person's -- and the person's name.

9 Q. Did Ms. Lasher ever ask you to review each of those order  
10 sheets with the questionnaires on them to determine if they  
11 were suspicious in any way?

12 A. No.

13 Q. Did there come a time where you raised an issue with a  
14 prescription from a Buffalo address with Ms. Lasher?

15 A. Yes.

16 Q. What did you tell Ms. Lasher about that prescription?

17 A. That many people were ordering from one address and one  
18 apartment.

19 Q. What did Ms. Lasher say?

20 A. At first that it was okay.

21 Q. At first that it was okay. How many times was it raised  
22 with Ms. Lasher?

23 A. I'm not sure exactly how many.

24 Q. More than once?

25 A. Yes.

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Buck - direct

1 Q. So the first time you said, hey, I see and hear that this  
2 address is being ordered from multiple times. What was her  
3 response?

4 A. That it's okay. Because they -- they were different names.

5 Q. So let me make sure I understand. Your concern is you see  
6 an address in Buffalo and different names of patients ordering  
7 prescriptions from that same address?

8 A. Yes. Same address, same apartment.

9 Q. And you raised that with Ms. Lasher, and she said it was  
10 fine the first time you raised it?

11 A. Yes.

12 Q. Generally speaking, let's talk about the blacklist for a  
13 moment. So how does a customer's name get on the blacklist?

14 A. By ordering too soon, too often.

15 Q. I'm just going to stop you for a moment. I'm sorry to  
16 interrupt you.

17 But when you say "too soon, too often," what is "too  
18 often"? What do you mean?

19 A. Probably about four times, I think.

20 Q. So in order to get on to a blacklist, you or one of the  
21 other technicians would need to raise a concern about a  
22 customer roughly four times before they could make it to the  
23 blacklist?

24 A. Yes.

25 Q. Who ultimately decided whether a customer was placed on the

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Buck - direct

1       blacklist?

2       A. Ms. Lasher.

3       Q. Did Ms. Lasher ever ask you to do anything with respect to  
4       the doctors, the prescribers for those customers who had made  
5       it on to the blacklist?

6       A. No.

7       Q. Was there a separate blacklist for the doctors who were  
8       prescribing to these customers?

9       A. Not to those customers.

10      Q. Well, doctors for any customers. Was there a blacklist, a  
11       list of doctors who were identified as prescribing  
12       suspiciously?

13      A. I remember that there was a -- there was a few, I think  
14       they said, that they were waiting for his license to be  
15       renewed.

16      Q. So there were a few doctors, then, that were not being  
17       allowed to prescribe for the moment because of a license  
18       renewal issue?

19      A. Yes.

20      Q. But other than that, was there a blacklist for doctors who  
21       were prescribing to patients that were frequently ordering too  
22       soon?

23      A. No.

24      Q. When you stopped working at Hellertown Pharmacy -- I think  
25       you said you left in October of 2012 -- how many names were on

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Buck - direct

1 the blacklist at that time of customers?

2 A. About 20.

3 Q. So once you did this review of questionnaires and  
4 determined if they were -- there was a no-ship list or a state  
5 they couldn't go to, or if they had ordered too soon, or if  
6 their name was on a blacklist, once you have done that sort of  
7 review, what did you then do with the order sheets?

8 A. After writing down the order ID, whether it was too soon or  
9 no ship or blacklist, the person's name, the drug and the  
10 amount, it was then written down, and then we threw away the  
11 paper.

12 Q. And if the customer didn't show up on any of those lists,  
13 and it was a customer that you determined could be shipped to,  
14 what did you then do with the piece of paper?

15 A. We would -- this is after or before packaging the paper?

16 Q. Well, so look in front of you at Government Exhibit 1013.

17 A. Yes.

18 Q. Those papers in there, you had testified earlier you  
19 printed out those papers; not those particular ones, but ones  
20 like them?

21 A. Yes.

22 Q. And would you put those papers in an envelope like you see  
23 there in front of you?

24 A. Yes.

25 Q. And once you had packaged those documents into the shipping

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Buck - direct

1 envelope, what were you going to do with the envelope?

2 A. The envelope, after checking the papers and putting them  
3 in, we hand to the pharmacist on duty.

4 Q. Now, what, if any, direction did Ms. Lasher give you about  
5 contacting the web companies?

6 A. Whenever there was a no-ship or too sooner blacklist, to  
7 message the company or -- yes. Or if there were enough orders,  
8 if it was beginning to slow down or was slow, to send more  
9 orders.

10 Q. How often would Ms. Lasher ask you to contact the web  
11 companies to request more orders?

12 A. If it was -- if it was slow, in which we were receiving  
13 very little or no orders at the time, to message them every  
14 five minutes until orders come in.

15 Q. And when you say "message them," how were you contacting  
16 them? Message in what way?

17 A. An all-in-one instant messenger on the computer.

18 Q. And would you have to -- would Ms. Lasher direct you to  
19 send these instant messages every five minutes until you hit a  
20 certain volume?

21 A. Yes.

22 Q. What was that volume?

23 A. I think it was at least until we received I think 25 at  
24 least on a particular system.

25 Q. And that's for one individual company?

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Buck - direct

1 A. Yes, at a time.

2 Q. Now I want to stick with the envelope in front of you,  
3 Government Exhibit 1013.

4 So you had testified we talked about what you do with  
5 the question forms, the order sheet that has the questions on  
6 them. So I want to ask you now about the labels that are in  
7 there. Can you pull out the label sheet.

8 Now, did you ever observe any differences between the  
9 doctors' instructions on these labels and the -- I'm sorry.  
10 Let me start again.

11 Did you ever observe any differences between the  
12 instructions on how to take the drug on these labels and the  
13 instructions on how to take the drug that were on the order  
14 sheets?

15 A. Yes.

16 Q. Now, on the labels that you're looking at, do you see where  
17 the instructions are? You can look at the one in your hand or  
18 you can look on the screen where it's highlighted.

19 A. Yes.

20 Q. So now these instructions that are on the labels, these  
21 labels go on the pill bottles?

22 A. Yes -- well, pill bottle on the back of the order form.

23 Q. These instructions on how to take the drug, where did these  
24 instructions come from?

25 A. Ms. Lasher.

F57elas2

Buck - direct

1 MS. GREENBERG: Now, Ms. Chen, could you put up the  
2 questionnaire. And if you can zoom in and highlight the  
3 instructions there.

4 Q. Now, these instructions on the order sheet above the  
5 doctor's signature, where did these instructions come from?

6 A. The doctor.

7 Q. Now, when you saw differences between the instructions on  
8 the order sheet that the doctor gave and the instructions on  
9 the labels, did you ever talk to Ms. Lasher about that?

10 A. Yes.

11 Q. What did she tell you to do?

12 A. To go with her instructions on the prescription label.

13 Q. Just to make sure I'm clear, Ms. Lasher directed you --

14 MR. FREEMAN: Objection, Judge.

15 MS. GREENBERG: Just trying to clarify.

16 MR. FREEMAN: Asked and answered.

17 THE COURT: We don't know if she hasn't finished the  
18 question.

19 BY MS. GREENBERG:

20 Q. Did Ms. Lasher instruct you to put a different set of  
21 instructions -- not what the doctor had put on the order -- on  
22 to the pill labels?

23 A. Yes, for -- for three of the drugs, there was a set of  
24 directions that we would copy and paste for certain drugs on a  
25 PCMS system for prescription labels.

F57elas2

Buck - direct

1 Q. What were those three drugs?

2 A. Soma, Fioricet and tramadol.

3 MS. GREENBERG: Ms. Chen, could you put up  
4 Exhibit 2002, please.

5 Q. Mr. Buck, have you seen this document before that's on your  
6 screen?

7 A. Yes.

8 Q. Where have you seen this document?

9 A. All along the walls throughout the pharmacy.

10 Q. What is it?

11 A. Ms. Lasher's directions for the prescription labels for  
12 Fioricet.

13 Q. And so what would Ms. Lasher tell you to do regarding these  
14 instructions for Fioricet?

15 A. On the system called PCMS, which were used to print out the  
16 prescription labels, to copy and paste those directions into  
17 the directions on the PCMS system.

18 MS. GREENBERG: So, Ms. Chen, could you put up side by  
19 side with Government Exhibit 2002 the labels from Government  
20 Exhibit 1013. And if you could highlight on the label the  
21 instructions.

22 Q. So, Mr. Buck, looking at Government Exhibit 2002, the  
23 instructions that were on the wall and the label on the pill  
24 bottles for Fioricet, are these instructions on how to take the  
25 drug the same?

F57elas2

Buck - direct

1 A. Yes.

2 Q. And is it that you created these pill bottle labels by  
3 cutting and pasting the instructions from Government  
4 Exhibit 2002 on to these labels?

5 A. Yes, copy and paste. When the -- when it was downloaded  
6 into the system, PCMS system, the directions were blank. And  
7 those were the instructions -- the copy and paste were all  
8 Fioricet.

9 Q. And for the companies, the other four companies that didn't  
10 have that PCMS system, how were those labels created?

11 A. They would be printed with the -- with the order sheet and  
12 the invoice on a 14-inch paper.

13 Q. So for those labels, were those already made or did you  
14 also cut and paste the instructions on to those labels?

15 A. Those ones were already made.

16 Q. And did those instructions always follow what the doctor  
17 had, doctor's instructions?

18 A. I'm not sure.

19 Q. Now, did Ms. Lasher ever say anything about whether she had  
20 consulted with a doctor about changing their instructions to  
21 what the instructions were on the pill bottle label?

22 A. Not that I know of.

23 Q. And these instructions were across the board for these  
24 drugs; regardless of the doctor who was prescribing, that you  
25 would cut and paste these different instructions on to the pill

F57elas2

Buck - direct

1 bottle label?

2 A. For those drugs and quantity numbers.

3 Q. In terms of the speed with which you were working, would it  
4 be faster to put the doctor's individual instructions on the  
5 pill bottle label or cut and paste the same set of instructions  
6 on each pill bottle label?

7 A. For the particular drug and the amount, to copy and paste  
8 the same instructions on to each one.

9 Q. So now going back to Government Exhibit 1013, your envelope  
10 that has the materials in it, so we've talked about the order  
11 sheet. We've talked about the labels. What's the last  
12 piece -- what's the last document that's in that envelope?

13 A. This one here?

14 Q. Yes. What is that?

15 A. The customer invoice.

16 MS. GREENBERG: Ms. Chen, could you put that up on the  
17 screen, please.

18 Q. And just looking at this one customer receipt for this  
19 customer, what does it indicate as to how much the customer was  
20 charged for 90 tablets of Fioricet?

21 A. 107.95.

22 MS. GREENBERG: Ms. Chen, you can take this down.  
23 Thank you.

24 Q. So you have this envelope. You've printed out the three  
25 materials -- the order form, the labels and the customer

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Buck - direct

1 receipt -- put them in a shipping envelope. I think you  
2 testified then that you give that shipping envelope to the  
3 pharmacist?

4 A. After putting all the papers together, we then handed it to  
5 the pharmacist on duty.

6 Q. Do you then see these envelopes again?

7 A. Yes.

8 Q. When is that?

9 A. When it's time to package it for shipping.

10 Q. And what do you do when you're packaging for shipping?

11 A. We would be handed a pile of the same drug and quantity,  
12 and then we just check to make sure that it's the same drug and  
13 quantity and the envelopes handed. And then we grab a  
14 container with -- that matches the same -- the same drug and  
15 quantity from the back. The pharmacist checks to make sure  
16 it's the right drug. And then we begin packaging it, in which  
17 we remove these three papers and we put this one upside down,  
18 the order sheet. And the customer invoice gets put into the  
19 envelope. And then we remove the prescription label on to the  
20 right, on to the -- on to the order form, and then the other  
21 one to the left goes on to the prescription bottle and then  
22 gets packaged and sealed.

23 (Continued on next page)

F57sLAS3

Buck - direct

1 BY MS. GREENBERG:

2 Q. And so you seal up the envelopes with the pill bottles  
3 inside of them?

4 A. Yes.

5 Q. Are you and the other technicians the last people to see  
6 the pill bottles before they go into the envelopes?

7 A. Yes.

8 Q. Now, you mentioned containers. Mr. Buck, I'm showing you  
9 Exhibit 1013-4. Is this an example of a container?

10 A. Yes. That is one of the types of containers. There is  
11 that one, and then there is that another one that is a little  
12 bit bigger for storing the drugs.

13 Q. These containers, how were they labeled?

14 A. In accordance to the drug manufacturer, I mean, if it is  
15 brand or generic, the quantity within the vials and the  
16 expiration date.

17 Q. Would all of the containers have an expiration date?

18 A. Up to like a certain date within working there.

19 THE COURT: What do you mean up to a certain date?

20 THE WITNESS: There was one time that there was no  
21 label on the front onto the vials or onto the totes with the  
22 vials in them.

23 THE COURT: Will you follow through? I don't  
24 understand.

25 BY MS. GREENBERG:

F57sLAS3

Buck - direct

1 Q. Initially, when you first started working at Hellertown  
2 Pharmacy, were these containers labeled?

3 A. Not at first.

4 Q. Not at all, no labels on them at all?

5 A. No.

6 Q. Did there come a time where that changed?

7 A. Yes.

8 Q. How long into working at Hellertown Pharmacy did that  
9 change?

10 A. About midway.

11 Q. So about what would you say, when would that be, roughly?

12 A. Six to seven months into working there.

13 Q. Would that take you to like early 2012?

14 A. Yes.

15 Q. About that time, early 2012, what labeling was happening of  
16 these containers?

17 A. Before or after 2012?

18 Q. Let's do it after 2012 now, beginning of 2012.

19 A. The drug, whether brand or generic, the quality and the  
20 expiration date.

21 Q. Looking at Government Exhibit 1035-2. I am just going to  
22 bring this up and show it to you.

23 Mr. Buck, does this container have an expiration date?

24 A. No, it does not.

25 Q. Were there ever containers after early 2012 when you were

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Buck - direct

1 working at Hellertown that saw that didn't have an expiration  
2 date?

3 THE COURT: Did or didn't?

4 MS. GREENBERG: Did not.

5 A. I think if whoever is making it forgot to put the  
6 expiration date on there, from as far as I can remember.

7 MR. FREEMAN: Your Honor, I am going to move to  
8 strike.

9 THE COURT: Let me grant the motion and try this  
10 again.

11 MS. GREENBERG: Yes.

12 BY MR. FREEMAN:

13 Q. Did you ever see, during your time at Hellertown Pharmacy  
14 after early 2012, any containers that did not have a label with  
15 an expiration date?

16 THE COURT: Why don't you ask positively.

17 MS. GREENBERG: I will try again.

18 Q. Did you ever see any containers after early 2012 that had  
19 expiration dates on them?

20 A. They usually had expiration dates on them, as far as I can  
21 remember.

22 Q. Would you say "not always" --

23 MR. FREEMAN: Objection.

24 THE COURT: Overruled.

25 A. If the technician that was counting it forgot to put the

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Buck - direct

1 expiration on the front.

2 Q. Were there occasions --

3 MR. FREEMAN: Judge, that is the same issue. I don't  
4 think it is a recollection, I think it is a speculation.

5 MS. GREENBERG: Just let me try it one more time.

6 BY MR. FREEMAN:

7 Q. Were there ever totes that you saw that did not have the  
8 expiration date on them?

9 A. Yes.

10 Q. Did these containers ever contain vials of pills that had  
11 different lot numbers and expiration dates associated with  
12 them?

13 A. If there was two of them that were half empty or less than  
14 half empty, sometimes they were condensed and/or if there was a  
15 return.

16 Q. I'm going to get to returns in a moment. There would be  
17 occasions where you would condense two different containers?

18 A. Yes.

19 Q. When you would condense two different containers and  
20 combine the materials, those pill bottles would come from  
21 different lot numbers and different expiration dates?

22 A. Yes.

23 Q. So in that situation, would there be any way to check and  
24 reference for each individual pill bottle what their lot number  
25 was or what the expiration date was?

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Buck - direct

1 A. No.

2 Q. I want to move on to a different topic now. I want to talk  
3 about pill counting. Did Ms. Lasher provide any instructions  
4 on how to count pills that would be shipped to customers?

5 A. Yes.

6 Q. I would like to show you what has been admitted in evidence  
7 as Government Exhibit 1019. It should come up on your screen.  
8 Do you recognize this document?

9 A. Yes. It's the counting procedure for the Internet drugs.

10 Q. Where did you see this?

11 A. Along the walls in the counting room and the hallway.

12 Q. The counting room, where was that in the pharmacy?

13 A. That was -- when walking down the hallway to the left of  
14 the hallway, in like the center of the pharmacy work area.

15 Q. So you would count the pills in the middle area and then  
16 were the computers in the back area?

17 A. Yes.

18 Q. Now, whose instruction were these?

19 A. Ms. Lasher's.

20 Q. I'm bringing up to you what has been marked as Government  
21 Exhibit 1001.

22 Mr. Buck, do you recognize the contents of Government  
23 Exhibit 1001?

24 A. Yes.

25 Q. What are they?

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1 A. Some of the vials for counting.

2 Q. I want you to take us through step by step what your  
3 process was for counting the pills?

4 A. Okay.

5 Q. Start with the first bottle that you would take out. What  
6 would you do with the first bottle?

7 A. We would -- the very first thing we would do is to get the  
8 amount of pill bottles that was listed on here of the -- of the  
9 manufacturer drug type, then we would take out the amount  
10 specified on the instructions of how many pills to take out,  
11 then we would line up the amount of vials that it says here.  
12 The first one is then hand counted and then we use this vial to  
13 power the manufacturer -- for the manufacturer bottle into the  
14 empty vials.

15 Q. Let me just make sure I understand. The first pill bottle  
16 that you have, you do an exact count of the pills that go into  
17 that first vial?

18 A. Yes.

19 Q. Once you have that, you put that aside?

20 A. Yes.

21 Q. Then what is the next pill bottle you take?

22 A. The next pill bottle that we take?

23 Q. Looking at the pill bottle that you have in your hand, when  
24 you would take the next pill bottle, would it have a marking on  
25 it?

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Buck - direct

1 A. Just these ones for counting.

2 Q. I can't see the one in front of you. Does that one that  
3 you're holding have a line on it?

4 A. Yes.

5 Q. Would you use for the next pill bottle a bottle with a line  
6 around it?

7 A. Yes.

8 Q. What would you do with that bottle that vial that has a  
9 line around it?

10 A. The vial that has a line around it is to -- is the one that  
11 we used to pour the drugs into to make sure that it gets to  
12 that line not under or over.

13 Q. Let's just stop there. So you fill up pills into that pill  
14 vial and it goes up to the line. What do you then do with that  
15 pill vial?

16 A. We then pour it into the empty vials, and then we continue  
17 to do that until we filled up all of the amount of vials  
18 specified on here.

19 Q. So you were essentially using that pill vial with the  
20 marking on it, you would fill that up but pour it into each  
21 individual pill vial that you had lined up?

22 A. Yes. Then after we get the bottle that was hand counted to  
23 line up to make sure that the other vials that they're tapping  
24 them down to make sure that they're even.

25 Q. Let me make sure --

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1           THE COURT: That size pill bottle holds approximately  
2 how many pills?

3           THE WITNESS: If this was tramadol, I think is it was  
4 180 tramadol.

5           MR. FREEMAN: Judge, could I make up for yesterday? I  
6 think it is time for a break.

7           THE COURT: He's looking for points. One minute  
8 before, but we will give him his points.

9           Let's take our break. Remember the rules, keep an  
10 open mind and don't talk about the case. We got your message  
11 about 2:15.

12           (Jury excused)

13           (Luncheon recess)

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Buck - direct

## 1 AFTERNOON SESSION

2 11:45 a.m.

3 (In open court; jury present)

4 THE COURT: Let me just say something else to the jury  
5 about the 2:15 usual stopping time. I have reason to believe  
6 we can respect that today. I just want to explain that there  
7 are times when we may have a witness who is from out of town,  
8 and we can finish that witness in five or ten minutes, and it's  
9 simply too much of an imposition to not do so.

10 The other thing is, I am not sure whether I made this  
11 clear or not when I was selecting the jury, but we don't  
12 necessarily or generally don't use the 2:15 stopping time when  
13 the jury is deliberating. We don't have sort of an artificial  
14 cutoff. It may be, for the time we do the charge and  
15 summations, that we may need more time. We certainly have it  
16 available on the deliberation days.

17 At the very end of the trial, I wouldn't count on the  
18 2:15, but we will do our very best to respect it as often as we  
19 can.

20 Please proceed, Ms. Greenberg.

21 BY MS. GREENBERG:

22 Q. Mr. Buck, I believe we were in the middle of you telling us  
23 about pill counting.

24 A. Yes.

25 Q. Let me just say if I have got your testimony right about

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1 what you would do.

2 MR. FREEMAN: Objection to the form of the question.

3 Let me make sure I have got your testimony right.

4 MS. GREENBERG: That's fair.

5 THE COURT: It should be "have," not "got."

6 MR. FREEMAN: I have a different objection.

7 BY MS. GREENBERG:

8 Q. In the method you would describe about how you would count  
9 the pill vials, each time you would take out the pill vials,  
10 how many of those vials would you count the exact quantity of  
11 the pills?

12 A. Just one.

13 Q. The rest of the pill vials, they would be counted or filled  
14 using that vial, measuring vial?

15 A. Yes. And then the one that was counted we use to make sure  
16 that it lines up, that none are -- none are uneven or off.

17 Q. You did that with a visual inspection?

18 A. Yes.

19 Q. How many pill vials would you fill at one time?

20 A. Each set, for example, if it was tramadol, I would have two  
21 of the manufacturer bottles and 11 vials in front of me. The  
22 one that was hand counted, because that one continued to be  
23 used throughout the process to make sure that it's lined up  
24 with the rest of them. So then I would open it up, fill to the  
25 line, and just bang it out, make sure that it is not over or

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Buck - direct

1 under the line, and pour it into the other vials.

2 Q. Would you ever receive complaints from customers who did  
3 not get the amount of pills that they had ordered?

4 A. Yes.

5 Q. What would you do in response to those complaints?

6 A. We would send out the amount that was missing to make up  
7 for the amount that they were missing.

8 Q. How many times a day would you say a customer would call  
9 and say that they didn't get the amount that they had ordered?

10 A. I don't remember.

11 Q. Could you recall an approximate amount? I am not asking  
12 you to be precise.

13 A. I think about one, one every other day, or one every day  
14 about, approximately.

15 MS. GREENBERG: Ms. Chen, could you please put up on  
16 the clean Government Exhibit 1026.

17 Q. Mr. Buck, do you recognize this document?

18 A. Yes.

19 Q. Where have you seen this before?

20 A. On the walls at the pharmacy and also inside of the  
21 employee book with the papers that we signed.

22 Q. What, if anything, did Ms. Lasher say to you about how fast  
23 you were working?

24 A. We must work fast or our hours would be cut.

25 Q. This sign, this policy, whose policy was that?

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Buck - direct

1 A. Ms. Lasher's.

2 Q. Specific to you, what did Ms. Lasher ever tell you about  
3 the speed at which you were working?

4 A. Many -- many times, to work faster.

5 Q. What, if anything, did Ms. Lasher say about how many pills  
6 had to be filled each day?

7 A. Of the totes, I think on weekdays was five and weekends we  
8 had to count like eight totes.

9 Q. In like one of these containers that you have been looking  
10 at, I am holding up 1035-4?

11 A. Yes, and some of them were a little bit bigger.

12 Q. If you know, how many pill vials would be filled in each  
13 tote?

14 A. I would say between 48 to 72, I think. If it was about  
15 this size vial, about 48 to 72, about.

16 MS. GREENBERG: Ms. Chen, could you put up Government  
17 Exhibit 1018.

18 Q. Mr. Buck, do you recognize this document?

19 A. Yes.

20 Q. What is it?

21 A. How many totes we had to count.

22 Q. Could you just read the contents?

23 A. Yes. This store is required to count five totes of either  
24 tramadol or generic Fioricet per day. There is no exceptions.  
25 On Saturday and Sunday, eight totes are required per

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Buck - direct

1 technician. Penalty for the pharmacist and technician will be  
2 hours will be cut.

3 Q. And on the bottom, what are the names on the bottom?

4 A. David and Lena.

5 Q. Who is David?

6 A. The manager of Palmer Pharmacy.

7 Q. Was he a pharmacist?

8 A. No. I don't believe -- no. He was a pharmacy technician.

9 Q. Now, this policy, this quota of how many totes you had to  
10 fill, did there come a time where you did not meet the quota?

11 A. Yes.

12 Q. What happened?

13 A. My hours were cut.

14 Q. Who cut your hours when you didn't meet the quota for  
15 counting totes?

16 A. Ms. Lasher.

17 Q. What did Ms. Lasher say to you when she cut your hours  
18 because you didn't meet the quota?

19 A. That I -- I didn't count enough totes and I have to be  
20 faster.

21 Q. Did she say anything about what she was going to do with  
22 your hours?

23 A. That the hours would be cut if I -- if I don't -- if I  
24 don't reach the amount of totes counted.

25 Q. Well, just to be clear, were your hours cut?

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Buck - direct

1 A. Yes.

2 Q. How did Ms. Lasher determine how many totes each of the  
3 individual pharmacy technicians filled each day?

4 A. Sometimes the totes would be put to the side after  
5 counting, but each tote had -- at one point, had a piece of  
6 paper in it, in which it was the technician's initials who  
7 counted, the pharmacist who checked it, the date -- the date of  
8 expiration, and I think the date counted.

9 MS. GREENBERG: Ms. Chen, could you please put up

10 Government Exhibit 1012.

11 Q. Mr. Buck, do you recognize the form generally of this  
12 document?

13 A. Yes. That's the paper that is put into the totes after the  
14 tote is counted.

15 Q. First of all, when you first started working at Hellertown,  
16 were there these papers put in the totes?

17 A. No.

18 Q. When did that start?

19 A. About the same -- the same time that the totes were  
20 labeled.

21 Q. Is it correct that that is like early 2012?

22 A. Yes.

23 Q. Looking at the first line where it says "counted by," what  
24 would be filled in that line?

25 A. The technician's name, the initials of their name.

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Buck - direct

1 Q. And "checked by," what would be filled in there?

2 A. The initials of the pharmacist who checked the tote.

3 Q. The expiration date?

4 A. The expiration of the drugs in the tote.

5 Q. Again, would that expiration date always correspond to all  
6 of the vials in the tote?

7 A. No.

8 Q. The date counted?

9 A. Yes, the date that the tote was counted.

10 Q. Were these documents provided to Ms. Lasher so that she  
11 could determine how many totes each technician counted that  
12 day?

13 A. Yes. And also if it was -- if the totes were off -- were  
14 off the -- the vials and the totes, the levels were off.

15 Q. So is it fair to say then, I think you said for each tote  
16 it would be somewhere between 48 and 72?

17 A. Yes, depending on the size of the tote.

18 Q. You said the quota for a weekday would be five per day?

19 A. Yes.

20 Q. Just going between those two dates, let's say average of  
21 50 vials per day that you had to fill, and then you had to fill  
22 five totes of those?

23 A. Yes.

24 Q. So roughly, on the lower end, like 250 pill vials you would  
25 have to fill each day?

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Buck - direct

1 A. Yes.

2 Q. You said that Ms. Lasher would check if the vials were off.  
3 What do you mean?

4 A. If the levels were off visually, like if some of them were  
5 less and some of them were more.

6 Q. Once you were done with the tote, you filled up the tote  
7 with the pills you had counted and the vials, would she take  
8 out the vials and look at them herself?

9 A. Before we put the vials into the tote, the pharmacist on  
10 duty checks to make sure that the levels are correct before.

11 Q. Just to be clear, is the pharmacist actually counting all  
12 of the pills in the vials to do that check?

13 A. No.

14 Q. It's, again, just a visual inspection?

15 A. Yes.

16 MS. GREENBERG: Ms. Chen, you can take that down.

17 Q. Before I move on to another topic regarding returns, I want  
18 to go back to the labels just briefly. You had testified  
19 earlier that you would cut and paste instructions on how to  
20 take the drug onto the labels?

21 A. Yes.

22 Q. I want to show you what has been marked as Government  
23 Exhibit 1016.

24 MS. GREENBERG: Ms. Chen, can you put this up, please.

25 Q. Mr. Buck, do you recognize this exhibit?

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Buck - direct

1 A. I don't recognize the paper, but I recognize the  
2 directions.

3 Q. Were these the same kinds of directions you would cut and  
4 paste onto the label?

5 A. Yes.

6 MS. GREENBERG: You can put that aside. Thank you,  
7 Ms. Chen. Can you take that down.

8 BY MS. GREENBERG:

9 Q. Moving on, were the prescriptions that had been sent out  
10 over the Internet ever returned to the pharmacies?

11 A. Yes.

12 Q. For what reasons?

13 A. Either refused by the patient or that it was unclaimed or  
14 sometimes damaged.

15 Q. How often were returned medications sent back to Hellertown  
16 Pharmacy?

17 A. Frequently.

18 Q. What do you mean by frequently?

19 A. Every -- every couple weeks, enough to fill up a small  
20 tote. And the tote that was used for the returns was a post  
21 office tote.

22 Q. Would there be returns coming in on a daily basis?

23 A. Yes.

24 Q. Did Ms. Lasher provide any instructions about what to do  
25 when medication had been returned by a customer?

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Buck - direct

1 A. Yes.

2 Q. What were her instructions?

3 A. To write down the order -- the order ID number, the name of  
4 the patient, the drug and quantity of the drug, and reason for  
5 return.

6 Q. Taking a step back, when you would get a pill bottle that  
7 had been returned by a customer, what would you do with that  
8 physical pill bottle?

9 A. After writing the information into the return book, then  
10 remove the sticker and then place it on the counter in the  
11 hallway for the pharmacist to check the pills after the  
12 technician counted the pills to make sure that it's the correct  
13 amount.

14 Q. What would happen after that?

15 A. The pharmacist would check -- would check the pill -- the  
16 pill vial, and then the technician would then put the -- put  
17 the bottle into the right tote.

18 Q. When you say "the right tote," what do you mean?

19 A. By drug and quantity of the drug.

20 Q. So the returned medications go right back into the totes  
21 that are being made for all of the other medications to go out  
22 to the customers?

23 A. Yes.

24 Q. Again, who told you to do that process?

25 A. Ms. Lasher.

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Buck - direct

1 Q. Now, I want to talk about the log that you mentioned,  
2 writing down the order information. Where would you document  
3 that? Where would you record it?

4 A. A notebook for returns.

5 Q. Mr. Buck, I'm showing you two exhibits. One has been  
6 marked Government Exhibit 1014. The other has been marked  
7 1015. You can take the books out of the bags.

8 Let's look at Government Exhibit 1014 first. I believe  
9 that is the other one that you have there. Mr. Buck, take your  
10 time and look at it and look up when you're done.

11 Do you recognize this book?

12 A. Yes.

13 Q. What is it?

14 A. This is the first return book.

15 Q. When you say "the first return book," were there more than  
16 one?

17 A. Yes, there was two.

18 Q. Just looking at the front of this book, what are these, on  
19 the top where it says return prescriptions, what does that  
20 indicate to you about what is inside the book?

21 A. A log of the prescriptions that were returned back to the  
22 pharmacy.

23 Q. Sticking with that first cover, these letters here, CA,  
24 BRX, NOS, NRX, Tim PHP, Motto Paul, Fast Meds, what is that?

25 A. Those are some of the systems at which we receive the

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Buck - direct

1 orders and prescriptions from.

2 Q. When you say "systems," what are you referring to?

3 A. The companies and the company system.

4 Q. These are the website companies?

5 A. Yes.

6 MS. GREENBERG: Just going into the book, Ms. Chen,  
7 can you just put up the next page and the page after that and  
8 the page after that.

9 Q. What information, just looking at the top there, would you  
10 fill into the book?

11 A. The date that the vial was filled, the patient name, the  
12 drug name along with the quantity, the RX number, and the  
13 reason for return.

14 Q. Who would be filling these returned medication entries into  
15 the return book?

16 A. The pharmacy technicians.

17 Q. Who told you to use this book to do that?

18 A. Ms. Lasher.

19 Q. Now, Mr. Buck, if you could look at Government Exhibit  
20 1015.

21 MS. GREENBERG: Ms. Chen, if you could put that up.

22 Q. Mr. Buck, looking at the book in front of you, what is this  
23 book?

24 A. The second return book.

25 Q. How do you know that?

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Buck - direct

1 A. I recognize it.

2 Q. Looking at the front, is this return book for the same  
3 website companies that the first book was for?

4 A. Yes.

5 Q. Did you work in both of these books making log entries of  
6 returned medications?

7 A. Yes.

8 Q. How often would you do so? How often would you log entries  
9 of returned medications in these books?

10 A. At one point, I believe once every couple weeks or so.

11 Q. Did you review the book you have in front of you, 1015, in  
12 preparation for your testimony today?

13 A. Yes.

14 Q. Can you identify in that book the last entry that you made  
15 during your work at Hellertown Pharmacy?

16 A. Yes.

17 MS. GREENBERG: Ms. Chen, could you identify the page  
18 that Mr. Buck is going to go to. Could you go to the page for  
19 Mr. Buck's most recent entry in the book.

20 BY MS. GREENBERG:

21 Q. Mr. Buck, if you look at this page, is this a page that  
22 you, upon reviewing this book, identified as having an entry  
23 that you made from your last time in Hellertown Pharmacy?

24 A. Yes.

25 Q. Where is that entry from your last entry into this book?

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Buck - direct

1 Can you identify the name of the patient?

2 A. R. McFarland.

3 MS. GREENBERG: Ms. Chen, can you highlight that,  
4 please.

5 Q. Looking on the right of R. McFarland, is there a date  
6 there?

7 A. Yes.

8 Q. What is that date?

9 A. The date the vial was filled.

10 Q. What does the date say?

11 A. 10/09/2012.

12 Q. Is October 9, 2012 the last entry that you made into this  
13 book?

14 A. Yes.

15 Q. Now, when you would open up the book, if you could hold it  
16 up?

17 A. Yes.

18 Q. You can stand up if you would like. When you would open up  
19 this book to work at, explain to me how -- if you could just  
20 close it, close the book -- if you could just explain or  
demonstrate for the jury how it was you would open the back  
22 each time you would open it?

23 A. Yes. First thing I would do is make sure I have the right  
24 book. Then I would open up to make sure that is the right one.  
25 Then I would move to the last entry.

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Buck - direct

1 Q. Just to stop you, when you would open the book, would it be  
2 your natural practice to do what you just did now, which was to  
3 open up the first flap cover so you could see the inside cover  
4 of the book?

5 A. Yes, to make sure I have the right one.

6 Q. That was your general practice when using this book?

7 A. Yes.

8 Q. So when you did that, just stopping there, did you ever see  
9 anything on any of the times you went into this book on the  
10 inside cover of that book, any piece of paper?

11 A. No.

12 Q. Looking at the book that you have in front of you, is there  
13 something in the inside of that book?

14 A. Yes.

15 MS. GREENBERG: Ms. Chen, can you go to the inside of  
16 the book so it comes up on the jurors' screen.

17 Q. Mr. Buck, is what you see on the screen in front of you  
18 what you see in the front flap of the book?

19 A. Yes.

20 Q. When you used this book, this was never in the book?

21 A. I have never seen it in the book.

22 Q. Could you please read what this says?

23 A. Yes. Returns medication important. Pharmacist or pharmacy  
24 technician must report the return prescriptions in the book  
25 after this is reported. Pharmacist destroy the medication.

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Buck - direct

1 Only pharmacist.

2 Q. Did you ever get an instruction from Ms. Lasher to destroy  
3 returned medication?

4 A. No.

5 Q. Did you ever see anyone at Hellertown Pharmacy destroy  
6 returned medication?

7 A. No.

8 Q. Did you ever see this piece of paper anywhere in the  
9 pharmacy?

10 A. No.

11 Q. You have testified that the last time you made an entry  
12 into that return book was October 9, 2012. When did you leave  
13 Hellertown Pharmacy?

14 A. October 2012.

15 Q. So around this same time?

16 A. Yes.

17 Q. What, if any, notification was provided to customers that  
18 they were receiving medication that had been returned?

19 A. As far as I know, the patients are not informed if they are  
20 returned.

21 Q. Let me ask my question in a more precise way. The  
22 customers who are now receiving medication that had already  
23 been returned, are they informed in any way that the  
24 medications they are getting had already been sent out to a  
25 different customer and sent back?

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Buck - direct

1 A. No.

2 Q. One moment.

3 Did Ms. Lasher ever ask you to inform any customers that  
4 they were receiving returned medications?

5 A. No.

6 Q. Did you ever hear her ask anyone to do that?

7 A. No.

8 Q. Now, I want to switch subjects. What, if any, observations  
9 did you make about customers who were coming to Hellertown  
10 Pharmacy with oxycodone prescriptions?

11 A. They were a bit unusual. Their clothes are a little bit  
12 dingy. Some of their faces was -- had a sunken appearance, and  
13 they would come in in groups.

14 Q. Did you have any awareness of what states these people were  
15 coming from?

16 A. Kansas and Ohio.

17 Q. How did you know that?

18 A. I remember from when they were coming in.

19 Q. Would the customers, in order to get oxycodone, have to  
20 present a form of identification?

21 A. Yes. Their ID was to be copied.

22 Q. Did you ever see any of those?

23 A. Yes.

24 Q. Did you see their identifications indicated they were from  
25 Ohio or Kansas?

F57sLAS3

Buck - direct

1 A. Yes.

2 Q. Where was the doctor located who had issued those  
3 prescriptions for oxycodone?

4 A. Florida.

5 Q. These groups of customers, did they arrive together?

6 A. Yes.

7 Q. Would they leave together?

8 A. Yes.

9 Q. Did you see how they were traveling at all?

10 A. Yes.

11 Q. What was their mode of transportation?

12 A. A vehicle.

13 Q. Would you see them get in and out of the same vehicle?

14 A. Yes.

15 Q. How many times did you speak to Ms. Lasher about the  
16 oxycodone prescription to these groups?

17 A. Twice.

18 Q. Tell me what happened the first time you spoke to  
19 Ms. Lasher.

20 A. I told her that they were a little bit unusual.

21 Q. Did you say anything else for this first time?

22 A. I think that it was strange that they were coming from so  
23 far away.

24 Q. How did Ms. Lasher respond?

25 A. She said that they -- that they're okay, they like our

F57sLAS3

Buck - direct

1       pharmacy.

2       Q.   Your pharmacy is in what state, again?

3       A.   Pennsylvania. Hellertown, Pennsylvania.

4       Q.   What happened the second time that you spoke to Ms. Lasher?

5       A.   That was the second time. That was the response that I  
6       remember. I can't remember what the response was for the first  
7       time.

8       Q.   I see. You don't recall how she responded the first time  
9       that you told her that this was unusual?

10      A.   Yes.

11      Q.   The second time that you talked to Ms. Lasher about the  
12       oxycodone prescriptions, what did you say to her?

13      A.   That they're very unusual, their appearance was dingy,  
14       dirty, and their faces were sunken in, and they're coming in  
15       from groups, and they are coming in from so far away, and  
16       they're getting prescriptions from a doctor that is very far  
17       away from where they live.

18      Q.   Did you say anything this second time to Ms. Lasher about  
19       whether or not these individuals appeared to be intoxicated?

20      A.   Yes.

21      Q.   What did you say?

22      A.   They appeared to be on something.

23      Q.   How did Ms. Lasher respond to that?

24      A.   That they're okay.

25      Q.   Was that the point at which she said they are coming

F57sLAS3

Buck - direct

1 because they like our pharmacy?

2 A. Yes.

3 Q. Who filled their prescriptions?

4 A. Ms. Lasher.

5 Q. Did there come a time when a number of those oxycodone  
6 prescriptions were questioned?

7 A. Yes. The company McKesson said that we reached our limit  
8 of --

9 MR. FREEMAN: Objection, hearsay.

10 Q. How do you know what you are saying now about McKesson?  
11 Who said that?

12 A. Ms. Lasher. I heard her when she was ordering -- ordering  
13 stuff from McKesson, and she was angry because they won't send  
14 any more because they -- because we reached the --

15 MR. FREEMAN: Objection.

16 THE COURT: Just stop. Only what you overheard her  
17 say.

18 BY MS. GREENBERG:

19 Q. Did you overhear Ms. Lasher say that McKesson had cut off  
20 the pharmacy because the pharmacy had reached its limit on  
21 oxycodone prescriptions?

22 A. For --

23 MR. FREEMAN: Objection to the form of the question.

24 THE COURT: Sustained.

25 MR. FREEMAN: I ask it be stricken. It doesn't have

F57sLAS3

Buck - direct

1 to be, it's your ruling.

2 MS. GREENBERG: Can I try again?

3 THE COURT: One more shot.

4 BY MS. GREENBERG:

5 Q. What did you hear Ms. Lasher say about --

6 THE COURT: If anything.

7 Q. -- if anything, about McKesson?

8 A. That they -- they won't send any more because they --  
9 because we have reached the limit that they can send us for  
10 that.

11 Q. I want to turn to another topic now and talk about  
12 Ms. Lasher's policies. Who was responsible for issuing the  
13 policies at Hellertown Pharmacy?

14 A. Ms. Lasher.

15 Q. How often did Ms. Lasher implement policies?

16 A. Frequently.

17 Q. What do you mean by frequently?

18 A. Very -- very frequently. Whether she was there or not, she  
19 told us to move -- to move faster and if anyone was talking or  
20 she thought someone was talking, she told them to be quiet and  
21 sometimes separate the person from the rest of the people  
22 because she thought they were talking.

23 Q. What was Ms. Lasher's practice when she instituted a new  
24 policy?

25 A. It was written on a piece of paper throughout the pharmacy.

F57sLAS3

Buck - direct

1 Some of them were put into an employee book in which the  
2 technician signed.

3 Q. Who asked the technicians to sign each new policy?

4 A. Ms. Lasher.

5 Q. I would like to show you what has been admitted as  
6 Government Exhibit 3007.

7 MS. GREENBERG: Ms. Chen, can you please put that up  
8 on the screen.

9 BY MS. GREENBERG:

10 Q. Mr. Buck, what is this document?

11 A. It's the sick policy for Hellertown Pharmacy.

12 Q. When issued this policy?

13 A. Ms. Lasher.

14 Q. How were you informed of this policy?

15 A. She told us orally and also written in, which we signed.

16 Q. Did you sign this particular policy?

17 A. Not -- not this exact paper, but on another piece of paper  
18 for this policy.

19 Q. So what does this policy say?

20 A. All employees will be required to report to work even if  
21 sick. You will no longer be allowed to call off unless you are  
22 in the hospital. You will report to work and the pharmacy on  
23 duty will -- I mean, sorry -- you will report to work and the  
24 pharmacist on duty will determine if you are sick enough to see  
25 a doctor. If you feel you need -- if you need to see a doctor,

F57sLAS3

Buck - direct

1 the pharmacist on duty will let you see a doctor. The doctor  
2 note is required to return to work.

3 Q. Now, what was the effect of this policy?

4 A. Some people were coming in whether they were sick or not.

5 Q. Did you observe anybody come into the pharmacy sick?

6 A. Yes.

7 Q. What did you observe?

8 A. My partner at the time came in with a stomach ulcer, and he  
9 was afraid to call out because he didn't want his hours cut or  
10 lose -- lose time.

11 MS. GREENBERG: Ms. Chen, can you put up Government  
12 Exhibit 3008.

13 BY MS. GREENBERG:

14 Q. Mr. Buck, do you recognize this document?

15 A. Yes.

16 Q. What is it?

17 A. The sick policy.

18 MS. GREENBERG: Ms. Chen, if you could put back both  
19 of them and just have these exhibits side by side.

20 Q. What are the dates of these documents?

21 A. The first one is January 3, 2012, the second is January 19,  
22 2012.

23 Q. In a two-week period, there were two sick policy memos?

24 A. Yes.

25 Q. Looking at the second sick policy, what was this sick

F57sLAS3

Buck - direct

1 policy? Can you read it for us?

2 A. Yes. Any employee who calls off sick or calls off in  
3 general will be taken off the schedule for the following two  
4 weeks' period. Continuous call-offs will be reviewed and may  
5 be grounded for termination.

6 Q. Did you sign this policy?

7 A. Yes.

8 Q. Can you point to your signature?

9 A. Yes.

10 Q. Now, what was the effect of this policy?

11 A. People were coming in whether they were ill -- I mean, when  
12 they were ill. People were afraid to call off.

13 MS. GREENBERG: Ms. Chen, could you take these down,  
14 please.

15 (Continued on next page)

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F57elas4

Buck - direct

1 BY MS. GREENBERG:

2 Q. So, Mr. Buck, did there come a time where you left  
3 Hellertown Pharmacy?

4 A. Yes.

5 Q. And how did you leave? Did you resign or were you  
6 terminated?

7 A. I resigned.

8 Q. Now, at the time that you worked at Hellertown Pharmacy did  
9 you have any medical ailments or conditions?

10 MR. FREEMAN: Could we approach, please.

11 (Continued on next page)

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F57elas4

Buck - direct

1                             (At side bar)

2                             MR. FREEMAN: Your Honor, I anticipate the testimony  
3 that's coming out now is about this witness' lactose  
4 intolerance, and he passed gas, and he was written up for it.  
5 And I don't think it's necessary. I think it's inappropriate.  
6 The government has more than enough testimony already about my  
7 client and how she handled employees. I just don't think that  
8 it adds anything to the trial. And I think it detracts.

9                             MS. GREENBERG: We disagree strongly. This is  
10 relevant to his story. This is why he left the pharmacy.  
11 There were multiple policies about his medical issue and the  
12 symptoms he suffered from and that caused him to leave. And  
13 again, this is relevant to the issue of Ms. Lasher's control  
14 over every single employee at this pharmacy, about the work  
15 they were doing, about their medical conditions. She is  
16 clearly the one that's running the show. This is directly  
17 relevant to his story of when he was working there.

18                             THE COURT: When was the search of this pharmacy?

19                             MS. GREENBERG: November of 2012. It's a month after  
20 he leaves.

21                             MR. RICHENTHAL: Specifically, November 29, 2012.

22                             MS. GREENBERG: Leaving it now the way it is, they  
23 would be given a misimpression about why he left. He came to  
24 resign, but no reason is given for why he resigned or the  
25 circumstances thereof. The jury could be left with the false

F57elas4

Buck - direct

1 impression that he was somehow incompetent, not why it is that  
2 he had to leave. And again, it was directly related not to  
3 Peter Riccio, not to Carl Riccio, but to Ms. Lasher and her  
4 actions in the pharmacy.

5 THE COURT: Well --

6 MS. GREENBERG: We've talked to Mr. Buck about this.  
7 It's something that he wants to share. We intend to treat this  
8 with respect and try to be as tactful as possible in addressing  
9 what his medical condition was and what his symptoms were.

10 THE COURT: Look, I think it's ultimately your call.

11 MR. FREEMAN: Judge, with all --

12 THE COURT: I would assume, though, that there is a  
13 way to frame your questions to avoid the more sort of  
14 potentially embarrassing aspects of his condition. I think you  
15 could ask him generally, did you have a medical condition while  
16 you were working there? Did it have certain symptoms? Were  
17 you repeatedly criticized for those symptoms? And was the  
18 criticism of your symptoms the reason that you had to leave?

19 MS. GREENBERG: Those are my questions.

20 THE COURT: Good.

21 MS. GREENBERG: I mean, I think Mr. Buck is prepared  
22 to say what his symptoms are.

23 THE COURT: But you don't have to elicit them, if  
24 you -- if he volunteers them, he volunteers them.

25 MS. GREENBERG: Okay. That's fine.

F57elas4

Buck - direct

1                   MR. FREEMAN: Judge, I'm concerned that this testimony  
2 goes over the top and that my client would be prejudiced,  
3 substantially prejudiced for her actions vis-a-vis this  
4 witness. And as I indicated earlier, it's completely  
5 unnecessary. It becomes cumulative, to say the least.

6                   MS. GREENBERG: These were her own actions. She can't  
7 be prejudiced by her own actions. This is what she did.  
8 Mr. Freeman may not like it. The jury may not like it. But  
9 it's what she did.

10                  MR. FREEMAN: It's not a question of liking it. I'm  
11 trying to keep the trial fair.

12                  MS. GREENBERG: It's fair because these are her own  
13 actions. And it's only cumulative because this is how she  
14 treated everyone.

15                  THE COURT: I think if you ask the questions the way I  
16 suggested, it balances the interests. And I can interrupt at  
17 some point and tell him, we do not need to describe the  
18 symptoms.

19                  MR. FREEMAN: Judge, with all due respect, that's not  
20 the issue. He's okay with talking about it.

21                  THE COURT: But you're not okay with him talking about  
22 it.

23                  MR. FREEMAN: Correct, because of the --

24                  THE COURT: So that's why I'm trying -- look, these  
25 are her actions. You opened on Peter Riccio is running the

F57elas4

Buck - direct

1 show. It's the same thing. You opened on good faith. And  
2 it's their burden to prove good faith, and that is why a lot of  
3 stuff becomes relevant.

4 (Continued on next page)

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F57elas4

Buck - direct

1                             (In open court; jury present)

2 BY MS. GREENBERG:

3 Q. Mr. Buck, at the time you worked at Hellertown Pharmacy did  
4 you have a medical condition?

5 A. Yes, lactose --

6                             THE COURT: Wait. It's not necessary. You don't have  
7 to tell us exactly what the condition is, and you also don't  
8 have to tell us what the symptoms were, okay? Just listen to  
9 her questions. We'll move that along.

10 Q. Did you have a medical condition?

11 A. Yes.

12 Q. Without asking you what the symptoms were, did you exhibit  
13 symptoms as a result of that condition?

14 A. Yes.

15 Q. Did there ever come a time where Ms. Lasher criticized you  
16 for the symptoms of your medical condition?

17 A. Yes.

18 Q. How many times did she criticize you for the symptoms of  
19 your medical condition?

20 A. Approximately nine times.

21 Q. And did she do so verbally, in writing or both?

22 A. Both.

23 Q. And as a result of Ms. Lasher's criticisms, how, if at all,  
24 did that factor into your decision to resign from Hellertown  
25 Pharmacy?

F57elas4

Buck - direct

1 A. I was stressed and it was embarrassing. And I just  
2 couldn't take working there. So I resigned.

3 Q. And when Ms. Lasher would criticize you orally, were others  
4 present?

5 A. Yes.

6 Q. I'd like to move on to a different subject now.

7 Mr. Buck, are you testifying here voluntarily or  
8 pursuant to a subpoena?

9 A. Subpoena.

10 Q. After meeting with the -- and did you, prior to testifying  
11 here today, have any meetings with prosecutors and law  
12 enforcement?

13 A. Yes.

14 Q. And did there come a time where you consulted with a  
15 lawyer?

16 A. Yes.

17 Q. And was that lawyer appointed by the Court?

18 A. Yes.

19 Q. After you consulted with the lawyer, did you have  
20 additional meetings with the government?

21 A. Yes.

22 Q. And at those meetings were prosecutors and law enforcement  
23 present?

24 MR. FREEMAN: Your Honor, I object to this line of  
25 questioning.

F57elas4

Buck - direct

1                   THE COURT: Overruled.

2 A. Yes.

3 Q. And what, if any, agreement did you sign with the  
4 government?

5 A. Nonprosecution agreement.

6 Q. Now, I'd like to show you what's been marked as Buck  
7 3501-5. Mr. Buck, do you recognize this document?

8 A. Yes.

9 Q. What is it?

10 A. A nonprosecution agreement.

11 Q. Did you sign this document?

12 A. Yes.

13 Q. What is your understanding of what a nonprosecution  
14 agreement is?

15 A. In exchange for testifying and my honesty, that I would not  
16 be charged for participation in the labeling, storage and  
17 distribution of the prescription drugs at Hellertown Pharmacy  
18 between the dates of summer 2011 and fall -- November 2012.

19 Q. So what is your understanding as to whether this  
20 nonprosecution agreement protects you from prosecution for  
21 other crimes you may have committed, other than your work as a  
22 pharmacy technician at Hellertown Pharmacy?

23 A. It does not. It only protects -- it only protects me from  
24 any crimes within Hellertown Pharmacy.

25 Q. What is your understanding as to whether a nonprosecution

F57elas4

Buck - direct

1 agreement protects you from prosecution for perjury,  
2 obstruction of justice or making false statements, if you lie  
3 on the stand here today?

4 A. It does not. It does not protect me from that. It makes  
5 this void, if I do that.

6 Q. Aside from that nonprosecution agreement, were you made any  
7 promises, any other promises by the government?

8 A. No.

9 Q. I have no more questions about that agreement. I'd like to  
10 move on to a different topic.

11 Prior to your resignation in October of 2012, was  
12 there an inspection conducted at Hellertown Pharmacy?

13 A. Yes.

14 Q. When was that, roughly?

15 A. Roughly September 2012.

16 Q. What, if any, instructions did Ms. Lasher give you  
17 regarding -- regarding the inspection?

18 A. To not -- not to speak with anyone.

19 Q. "Anyone" meaning whom?

20 A. Anyone that comes in, including the inspectors.

21 Q. And did she give that instruction before, after, or after  
22 the inspection, or both?

23 A. I believe both.

24 Q. Now, you testified earlier about the computers for the web  
25 companies being in the back room of the pharmacy, is that

F57elas4

Buck - direct

1 right?

2 A. Yes.

3 Q. So what, if any, instructions did Ms. Lasher give about  
4 that back room?

5 A. That no one was to enter the back room, and the back room  
6 had to be locked.

7 Q. Was that back room normally locked?

8 A. No.

9 Q. But Ms. Lasher gave an instruction prior to the inspection  
10 that it needed to be locked?

11 A. Yes.

12 MS. GREENBERG: Now, Ms. Chen could you put up  
13 Government Exhibit 1032.

14 Q. Mr. Buck, do you recognize this document?

15 A. Yes.

16 Q. And looking at the date on top, what is the date?

17 A. September 21, 2012.

18 Q. Was this policy issued after the inspection?

19 A. Yes, I believe so.

20 Q. Now, looking at the policy, what kind of a policy is this?

21 A. It's a prescription policy -- count policy.

22 Q. Did you sign this policy?

23 A. Yes.

24 Q. Could you point to where your signature is.

25 A. Yes.

F57elas4

Buck - direct

1 Q. Now, looking at the first line of the policy, do you see  
2 where it says, all prescriptions must be counted by hand or by  
3 machine?

4 A. Yes.

5 Q. Did that happen?

6 A. No.

7 Q. Did anybody ask Ms. Lasher -- well, let me back up.

8 Who issued this policy?

9 A. Ms. Lasher.

10 Q. Did you or other technicians, did anybody ever ask her  
11 about this policy?

12 A. Yes.

13 Q. What happened?

14 A. The person started counting with a -- a machine that weighs  
15 the pills and tells the amount.

16 Q. Did everybody start doing that or just one person?

17 A. Just one person.

18 Q. Did anybody ever ask her whether or not you had to now  
19 count by hand?

20 A. Yes.

21 Q. What did Ms. Lasher say?

22 A. Continue counting as we previously did.

23 Q. And as you previously did meaning not by hand?

24 A. Meaning one count it and poured into a vial at the line and  
25 then lined up until they're all level.

F57elas4

Buck - direct

1 Q. Now, I think we had spoken about calls that would be  
2 received by the pharmacy.

3 MS. GREENBERG: Ms. Chen, could you put up Government  
4 Exhibit 1009.

5 Q. Mr. Buck, do you recognize this document?

6 A. Yes.

7 Q. What is this document?

8 A. It's the policy for answering the phones at Hellertown  
9 Pharmacy.

10 Q. Now, I just want to look at the top. Do you see where it  
11 says, when someone is asking a question related to pharmacy  
12 situations. So there what is the instruction? What are you to  
13 do?

14 A. We are then to write down the person's name, the number,  
15 what they were calling about, the reason for calling and what  
16 company were they a patient.

17 Q. And so you were to obtain that information. What  
18 information are you to provide?

19 A. To -- on the note or --

20 Q. Just read that second paragraph there on the document.

21 A. Not to mention any names.

22 Q. Did Ms. Lasher ever give -- I don't know if I asked this,  
23 but this policy, who instituted this policy?

24 A. Ms. Lasher.

25 Q. With respect to the part about don't say any names, just

F57elas4

Buck - direct

1 say exactly what you see -- do you see that?

2 A. Yes.

3 Q. Did Ms. Lasher ever tell you not to ever mention her name  
4 on the phone?

5 A. Yes.

6 Q. Was that a general instruction she gave to the staff?

7 A. Yes. She said not to mention her name.

8 Q. And looking at this last paragraph, do you see where it  
9 says, you are never, in caps and underlined, give anybody's  
10 phone number or any pharmacy's phone number to -- I believe  
11 that would be cut off, is anyone. Is that right?

12 A. Yes.

13 Q. Did Ms. Lasher ever say why you were not to give out a  
14 phone number?

15 A. I -- I don't remember.

16 Q. But this was Ms. Lasher's instruction not to do so?

17 A. Yes.

18 Q. Now, did she give any other instructions about what not to  
19 discuss over the phone?

20 A. Not to discuss anything about patients, mail orders or  
21 about any of the -- about any of the pharmacists on duty.

22 Q. Let's take that one step at a time. What do you mean, she  
23 instructed never to say anything about the pharmacists on duty?

24 A. We couldn't say -- say on the phone which pharmacist was  
25 there at the moment.

F57elas4

Buck - direct

1 Q. Did she say why?

2 A. No.

3 Q. Now, if a customer called and asked for a pharmacist, did  
4 she give you any instruction on what to do with that person on  
5 the phone?

6 A. Yes. To take a note of their name, number and reason for  
7 calling.

8 Q. If Ms. Lasher was in the pharmacy when one of those phone  
9 calls would come in, would she tell you to give the phone to  
10 somebody else?

11 A. Yes.

12 Q. Who?

13 A. When the next pharmacist comes in, to give the call to that  
14 pharmacist and tell the person to call back at that time.

15 Q. Do you recall, if anybody, who that was on any of the  
16 occasions?

17 A. Steven.

18 Q. Do you know Steven's last name?

19 A. I believe Goloff.

20 Q. So to make sure I understand, there would be -- were  
21 there --

22 MR. FREEMAN: Objection.

23 MS. GREENBERG: I'll move on.

24 THE COURT: That's not even a question.

25 MS. GREENBERG: I'll start a new question.

F57elas4

Buck - direct

1 BY MS. GREENBERG:

2 Q. Were there occasions when a customer would call the  
3 pharmacy, Ms. Lasher was present but she would instruct you to  
4 tell the customer to call back when Mr. Goloff gets in?

5 A. Yes.

6 Q. Were there occasions when Ms. Lasher was in the pharmacy,  
7 someone would call the pharmacy and she would instruct you to  
8 give the phone to Mr. Goloff?

9 A. Yes.

10 Q. To be clear, was Mr. Goloff -- was Mr. Goloff or was  
11 Ms. Lasher the supervisor of the pharmacy?

12 A. Lena. Ms. Lasher, I mean.

13 Q. Now, you mentioned that Ms. Lasher also instructed you not  
14 to say anything about mail orders. To what are you referring?

15 A. Any of the prescriptions that we've gotten through the --  
16 through the companies, through e-mail or through the Internet.

17 Q. Other than people calling over the phone who you weren't to  
18 mention Internet to, was there anyone else that she would say  
19 not to mention anything about the Internet?

20 A. Yes. The postalmen that pick up the bags of the  
21 prescriptions.

22 Q. Was there anybody else? What about, for example, did she  
23 give any instructions about whether you could mention the  
24 Internet prescriptions to customers that would walk in to the  
25 pharmacy?

F57elas4

Buck - direct

1 A. Not to mention to any customers that walk in.

2 Q. How many times roughly would Ms. Lasher give the  
3 instruction that you all couldn't mention the Internet?

4 A. I think a couple times a week.

5 MS. GREENBERG: No further questions at this time.

6 CROSS EXAMINATION

7 BY MR. FREEMAN:

8 Q. Mr. Buck, my name is Mr. Freeman, and I represent Lena  
9 Lasher. How are you doing today?

10 A. I'm doing well.

11 Q. Are you feeling all right?

12 A. Yes, I'm feeling okay.

13 Q. Did you resign from working at Hellertown or were you  
14 fired?

15 A. I resigned.

16 Q. Who's David? David Allan?

17 A. David is the manager at the Palmer pharmacy.

18 Q. At or about the time that you left the employ of  
19 Hellertown, did you have a fight with David?

20 A. Yes. I had an argument with him about the -- about the  
21 write-ups, about my medical condition.

22 Q. And didn't he fire you at that point?

23 MS. GREENBERG: Objection.

24 THE COURT: Excuse me. After that side bar, you want  
25 to go into this?

F57elas4

Buck - cross

1                   MR. FREEMAN: No. No. Judge, with all due respect,  
2 that's not the answer.

3                   MS. GREENBERG: That was the question.

4                   THE COURT: Whatever he answers comes out.

5                   MR. FREEMAN: Fine.

6                   THE COURT: Okay?

7 BY MR. FREEMAN:

8 Q. Were you fired by him?

9 A. No.

10 Q. Yes or no. Okay. Did you believe that you were fired?

11 A. It seemed I think they were about to, and I was very  
12 stressed and embarrassed, and I told him I quit.

13 Q. Now, while you were working at Hellertown you worked for  
14 Ms. Lasher primarily?

15 A. Yes.

16 Q. Did she hire you?

17 A. Yes.

18 Q. Did she interview you?

19 A. Yes.

20 Q. And did she train you?

21 A. Yes.

22 Q. And when you first started working there, did you enjoy  
23 working there?

24 A. No.

25 Q. Is it fair to say that from the very beginning you were

F57elas4

Buck - cross

1 uncomfortable at Hellertown Pharmacy?

2 A. With -- with the speed at which things were being done, I  
3 felt it was too fast.

4 Q. And would it also be fair to say that you didn't get along  
5 with Ms. Lasher?

6 A. In the beginning it was okay, but the majority of the time  
7 I didn't get along.

8 Q. She wanted you to work fast, and you felt it was too fast,  
9 am I right?

10 A. Yes, too fast to be accurate.

11 Q. And it stressed you out?

12 A. Yes.

13 Q. And in total you worked there for about -- why don't you  
14 tell me rather than ...

15 A. From about July 2011 to October 2012.

16 Q. So that's seven months? No, no, no.

17 A. About a year and four months, I think.

18 Q. Now, while you were working at Hellertown, did you meet  
19 somebody named Peter Riccio?

20 A. Yes.

21 Q. On how many occasions?

22 A. I've introduced myself to him once and seen him a second  
23 time.

24 Q. Did you understand Peter Riccio to be the owner of  
25 Hellertown?

F57elas4

Buck - cross

1 A. Yes. Later into working there one of the technicians told  
2 me that that was the owner.

3 Q. And he owned Hellertown, Palmer and another store in  
4 New Jersey called Towne Pharmacy?

5 A. Yes.

6 Q. Did you meet a Carl Riccio?

7 A. I'm sorry. What was that?

8 Q. Carl Riccio. Did you meet somebody by the name of Carl  
9 Riccio?

10 A. Yes.

11 Q. And did you understand him to be Peter Riccio's son?

12 A. Yes.

13 Q. How many times did you meet him?

14 A. I believe twice.

15 Q. When you met with Carl Riccio, did Carl Riccio hold a  
16 meeting of any kind, or you just met him to say hello?

17 A. I believe one of the times he held a meeting.

18 Q. And do you remember the subject of that meeting?

19 A. No, I don't recall.

20 Q. What about with respect to Peter Riccio? Did you ever sit  
21 with him during a meeting or observe him having a meeting?

22 A. I observed him talking to Lena in the front of the  
23 pharmacy, from what I remember.

24 Q. And do you recall whether he was giving her instructions?

25 A. I -- I didn't hear the conversation between them.

F57elas4

Buck - cross

1 Q. Now, it's your testimony that Lena Lasher called in to the  
2 pharmacy frequently, correct?

3 A. Yes.

4 Q. And you assume that she was looking through a camera  
5 monitor, correct?

6 MS. GREENBERG: Objection.

7 MR. FREEMAN: Let me rephrase the question.

8 Q. Did you see her looking through a monitor, TV monitor or a  
9 computer screen, and watch her look at the inside of the  
10 pharmacy?

11 A. While she worked at the Hellertown Pharmacy, she watched  
12 Palmer pharmacy, and she did the same when she was at Palmer  
13 pharmacy watching Hellertown Pharmacy.

14 Q. Did you work at Palmer and Hellertown?

15 A. I've worked at Palmer during three months during a power  
16 outage.

17 Q. You mean the Sandy storm or a different one?

18 A. I'm not sure which storm it was.

19 Q. In any case, there were times when you watched Lena Lasher  
20 at Hellertown using the screen, the computer monitor screen, to  
21 look at Palmer, correct?

22 A. From Hellertown, yes.

23 Q. Were you also able to see her look at the computer screen  
24 in Palmer looking at Hellertown?

25 A. I was not able to see that because I've worked at

F57elas4

Buck - cross

1 Hellertown. During the three days that I've worked at Palmer,  
2 there was a power outage, so the cameras were not working at  
3 the Hellertown Pharmacy.

4 Q. Were there times when Lena Lasher said things to you in  
5 person, as opposed to viewing the computer screen? In other  
6 words, would she say, you're working too slow? Would she come  
7 in and say it to your face, or would she call in and say,  
8 you're working too slow?

9 A. She would call in and say I'm working too slow.

10 Q. Would she ever come up to you while you were working and  
11 say, can you work a little faster?

12 A. During my time at the Hellertown Pharmacy when she was  
13 there in person, she told us to work faster, yes.

14 Q. Do you know Daniel or Dan Geiger?

15 A. I remember a Daniel. I think he came in a few times at the  
16 Palmer pharmacy, or at the Hellertown Pharmacy. I believe he  
17 was a technician at the Palmer pharmacy.

18 Q. Did you see anyone here today in the halls that you knew  
19 named Daniel, who's a pharmacist, who used to be in the Navy?  
20 Does that ring a bell?

21 MS. GREENBERG: Objection.

22 A. I don't recall.

23 Q. Was there a pharmacist or a pharmacy tech named Daniel  
24 who --

25 THE COURT: It's one or the other.

F57elas4

Buck - cross

1                   MR. FREEMAN: I'm trying not to put words in his  
2 mouth.

3 Q. Did you work with a pharmacist named Daniel?

4 A. Not that I remember.

5 Q. Did you work with a pharmacy tech named Daniel?

6 A. I believe I remember him as Dan, a technician.

7 Q. What did he look like? Could you describe him, please.

8 A. Young, 20s, short hair.

9 Q. All right. Thank you.

10                  Do you remember you've testified that there was an  
11 inspection at Hellertown?

12 A. Yes.

13 Q. Do you recall that after the inspection a complaint was  
14 made by an individual against Lena Lasher?

15 A. I don't recall.

16 Q. And you don't recall somebody asking you if you would  
17 support him in his complaint?

18 A. No, I don't recall.

19 Q. You said that when you started working at Hellertown, there  
20 was a blacklist?

21 A. The blacklist was about midway into working there. I  
22 remember the blacklist.

23 Q. So when you started working there, to your knowledge there  
24 was no blacklist?

25 A. Yes.

F57elas4

Buck - cross

1 Q. In other words, there was nothing on the wall called a  
2 blacklist?

3 A. Nothing that I remember.

4 Q. Did the blacklist, after it was started, did it grow? Did  
5 it get bigger?

6 A. It started growing, yes, from what I remember. I remember  
7 when it was about three names, I think, on it.

8 Q. Did you say 20 names earlier?

9 A. When I -- around the time that I resigned, there was about  
10 20 names on there.

11 Q. Oh. Started at 3 and ended at 20?

12 A. Yes, from what I remember.

13 Q. Did you add any names to the blacklist?

14 A. From what I remember, I think I may have asked Lena if I  
15 could add someone with the last name of Potts on to it.

16 Q. And what happened?

17 A. The person was added to the blacklist.

18 Q. You were asked a question on direct examination about who  
19 created the blacklist, who started it. Do you remember that  
20 question?

21 A. Yes.

22 Q. Do you know who started it?

23 A. I believe one of the technicians.

24 Q. What makes you say that?

25 A. That's what I recall around that time.

F57elas4

Buck - cross

1 Q. Do you know who that technician was?

2 A. I'm not -- not positive, but I think it may have been  
3 James.

4 Q. Now, you recall earlier today there was testimony about  
5 what you could determine with respect to the last time that the  
6 person -- when was the last time a person ordered medication.  
7 Do you remember that?

8 A. Could you --

9 Q. I'll do it a different way. If you wanted to find out the  
10 last time somebody ordered medication, to find out if that  
11 person was ordering too soon, you could go on a computer, is  
12 that right?

13 A. It depends on the system. On some of the systems, I  
14 believe CA, NOS, NRX and BRX, there is a system in which I  
15 could check that if they ordered too soon.

16 Q. Now, are those computers separate; in other words, are  
17 those systems that you just described, CA, NOS, are there  
18 dedicated computers to each of those systems?

19 A. There was about five computers. I believe all of the ones  
20 that were CA had one computer in which it was printed on. Then  
21 there was one for NRX and BRX, and another for NOS. And there  
22 was one for Motto, and Fast Meds was printed at the same one CA  
23 was printed from. PHP was not on a particular computer. That  
24 one I think we checked in e-mail or something for that one.

25 Q. Do you remember which systems did not have the ability to

F57elas4

Buck - cross

1 check the last date that the patient ordered the medication, if  
2 you can?

3 A. On the ones that did not have the system and that we  
4 couldn't look up from the computer?

5 Q. Correct.

6 A. Fast meds, PHP, Motto, those ones.

7 Q. Could you be wrong about that? Is it possible your memory  
8 is incorrect about that?

9 A. That's as much as I remember on that.

10 Q. Did that change at any time, to your recollection?

11 A. I remember on one of them called Motto, towards the end  
12 that I started working there, there was a -- after they were  
13 printed and after they were checked by a technician, that they  
14 were brought to a pharmacist and the pharmacist would put it on  
15 the front computer, the main computer for Hellertown Pharmacy.

16 Q. To see if the medication was ordered too early?

17 A. Yes.

18 Q. Now, could you check different systems -- could you  
19 cross-check different systems? In other words, if somebody  
20 ordered a medication for Motto, could you go to CA and see if  
21 that person ordered the same medication from CA?

22 A. Yes, by name on the CA system, there was a name hold -- I  
23 mean, a system called PCMS on the CA system that we could type  
24 in a name and find the person's name.

25 Q. And weren't the techs directed to do that by Lena Lasher?

F57elas4

Buck - cross

1 A. Only if they thought it was too soon, but it was not part  
2 of the system that, upon printing those, that we check all of  
3 the systems.

4 Q. So if the tech thought it was too soon, then the tech could  
5 check across the systems, correct?

6 A. For Motto, by hard copies, until the time I think until  
7 they started putting it on to the main computer. And PHP was  
8 hard copies. Fast Meds was checked by hard copies, but the  
9 NRX, BRX, NOX and CA had systems called PCMS, in which if  
10 someone thought that it could have been one that was too soon,  
11 they could check those.

12 Q. And, in fact, you testified a little while ago that you  
13 found someone who had ordered too soon and you discussed it  
14 with Lena Lasher, and that name was put on the blacklist,  
15 correct?

16 A. If the person ordered too soon, too often, it gets put on  
17 the blacklist.

18 Q. And what I'm asking you is: Did you discover such a  
19 person, at least one, and did that person's name go on the  
20 blacklist?

21 A. Yes.

22 Q. And, in fact, it was more than one that you discovered and  
23 more than one that went on the blacklist?

24 A. Yes.

25 Q. And you were also instructed to call the web-based company

F57elas4

Buck - cross

1 and tell them about it as well, correct?

2 A. I believe for the Motto system, yes.

3 Q. And that you did by texting, correct, a certain kind of  
4 texting through the computer?

5 A. For all other systems were text based.

6 Q. How was Motto then?

7 A. Motto was done by phone.

8 Q. Okay. Do you recall how the postage was handled for the  
9 packages that were sent out to the people who ordered the  
10 medication?

11 A. Sorry. Could you rephrase that?

12 Q. Yes. You indicated earlier that a package or an envelope  
13 was sent to the person that ordered the medication; that there  
14 were a number of steps involved; that you pulled off the  
15 prescription from the computer and printed it out, and then you  
16 put it in an envelope and you checked the level of the  
17 medication. Do you remember that testimony?

18 A. Yes.

19 Q. Well, what about the postage? How was that handled?

20 A. The postage was --

21 Q. If you recall.

22 A. Do you mean for --

23 Q. For the individual packages.

24 A. The postage on the front of each package?

25 Q. Yes. That would allow it to be mailed.

F57elas4

Buck - cross

1 A. That would depend on the company. For Motto, it was typed  
2 into the computer, the person's name and address, city, state  
3 and zip, and then we click what type it is, whether express or  
4 priority mail. For the other systems it was printed along with  
5 the order.

6 Q. So it was printed either with the order or in a separate  
7 interchange with the computer, correct?

8 A. It was printed by the -- for Motto, typing it on to the  
9 computer. But for the other systems, like NRX, BRX, CA and  
10 NOS, when you pull up the orders, you can pull up the labels.  
11 The labels are printed separate for those. For PHP, Fast Meds  
12 and Align Health, they're printed with the order.

13 Q. Now, if a customer called and said, I'm short three pills,  
14 could you send them, did those pills ever get sent  
15 individually?

16 A. In a -- do you mean if they were short a few pills, they're  
17 put into a pill bottle and sent to the person?

18 Q. Yes.

19 A. Yes. If we asked -- if we could send out this order that  
20 they were shorted X amount of pills, we could send them the  
21 amount of pills to correct the amount.

22 Q. So in other words, you had to ask the company via computer,  
23 is that right?

24 A. For the postage for that?

25 Q. First, did you have to ask the company if you could send

F57elas4

Buck - cross

1 three pills, or did you call the company and ask? What was the  
2 procedure?

3 A. We -- I don't remember if we -- if we had to contact the  
4 company or not before we sent it out.

5 Q. So let's assume that we get past that step and you're  
6 sending the three pills in my example. How did you package  
7 them?

8 A. After everything was printed out, I don't remember.

9 Q. Mr. Buck, how many times did you meet with the government  
10 in the last month or so in anticipation of your testimony at  
11 this trial?

12 A. Three times.

13 Q. And how many hours each time?

14 A. I think the first time was for approximately four hours,  
15 the second time about approximately four hours, and the last  
16 time was about -- about four hours.

17 Q. So that's about twelve hours total?

18 A. Yes.

19 Q. You were asked near the end of the examination by the  
20 government about a nonprosecution agreement?

21 A. Yes.

22 Q. And you said in your answer that the government agreed not  
23 to prosecute you, and you agreed to tell the truth?

24 A. Yes.

25 Q. Who determines -- according to the agreement, who

F57elas4

Buck - cross

1       determines whether you're telling the truth or not?

2       A. I'm sorry. What was that?

3       Q. Isn't it the government that determines whether you're  
4       telling the truth?

5       A. Yes.

6                    MR. FREEMAN: Thank you, Judge.

7       REDIRECT EXAMINATION

8       BY MS. GREENBERG:

9       Q. Mr. Buck, a very brief few questions for you.

10                  With respect to the policies regarding your medical  
11       condition that led to your resignation, were those policies  
12       Lena Lasher's policies?

13       A. Yes.

14       Q. Now, we talked -- you were asked on cross-examination about  
15       the too soon process and the different systems. With the  
16       systems, the four companies where they had a computer but they  
17       didn't have the order date, the last order date from the  
18       customer, did there come a time where that information did  
19       enter on to a computer system?

20       A. Yes.

21       Q. Was that after the inspection happened?

22       A. It was around then. I don't remember if it was  
23       particularly after, but I remember it was around then.

24       Q. You mentioned -- you also testified that there was a name,  
25       at least one name that you provided to Ms. Lasher that

F57elas4

Buck - redirect

1 Ms. Lasher accepted on the blacklist. Did she accept it the  
2 first time you mentioned it to her?

3 A. No. It usually takes a couple times, unless -- well, if  
4 it's too soon a couple times, or unless we find out that  
5 someone was ordering but they changed some of their  
6 information -- like, for example, if Greg Potts orders from one  
7 company and we find out he's ordered from another company as  
8 Gregory Potts, then that would usually -- that would get them  
9 on the blacklist immediately. But too soons usually took  
10 about, I'd say, probably about four times.

11 MS. GREENBERG: Nothing further. Thank you.

12 MR. FREEMAN: No, thank you.

13 THE COURT: Thank you very much for coming in.

14 THE WITNESS: You're welcome.

15 (Witness excused)

16 MS. GREENBERG: The government calls Task Force  
17 Officer Matt Murphy.

18 MATTHEW MURPHY,

19 called as a witness by the Government,

20 having been duly sworn, testified as follows:

21 DIRECT EXAMINATION

22 BY MS. GREENBERG:

23 Q. Good afternoon, Officer Murphy.

24 A. Good afternoon.

25 Q. Officer Murphy, where do you work?

F57elas4

Murphy - direct

1 A. The Clinton Township Police Department at Hunterdon County,  
2 New Jersey.

3 Q. What is your position?

4 A. I'm a patrolman.

5 Q. How long have you been a patrolman with the Clinton  
6 Township Police Department?

7 A. Since July of 2008.

8 Q. What, if any, other positions do you have?

9 A. Currently I'm a task force officer with the DEA in Newark,  
10 New Jersey.

11 Q. How long have you been a task force officer with the DEA?

12 A. Since July of 2012. I'm sorry.

13 Q. Go ahead.

14 A. I apologize. Yes, July 2012. January.

15 Q. And as task force officer -- is task force officer also  
16 known as a TFO?

17 A. That's correct.

18 Q. So what are your duties and responsibilities as a TFO with the  
19 Drug Enforcement Administration?

20 A. To investigate narcotics offenses.

21 Q. Before becoming a patrolman, did you participate in any  
22 training?

23 A. Prior to becoming a patrolman, no.

24 Q. Since becoming a patrolman, have you participated in any  
25 training?

F57elas4

Murphy - direct

1 A. Yes, I have.

2 Q. What kind of training?

3 A. Narcotics related training, as well as financial crimes,  
4 studying motor vehicle law in New Jersey, as well as criminal  
5 code in New Jersey.

6 Q. Did there come a time where you became involved in an  
7 investigation of Lena Lasher?

8 A. Yes.

9 Q. And what investigatory steps did you take in connection  
10 with that investigation?

11 A. Surveillance, as well as trash pulls.

12 Q. Let's just start there. What is a trash pull?

13 A. Trash pull is going through someone else's garbage to  
14 obtain anything of value.

15 Q. So when you go through the garbage, what do you physically  
16 do?

17 A. You can either lean into the garbage can or dumpster and  
18 pull out whatever was discarded, their trash; or in some cases,  
19 in this investigation, when I jumped into the dumpster and  
20 pulled out trash bags, trash.

21 Q. What does surveillance involve?

22 A. I conducted mobile surveillance, as well as stationary  
23 surveillance, observing both targets as well as establishments.

24 Q. Now, I want to direct your attention to October 2nd, 2012.  
25 Were you working that day?

F57elas4

Murphy - direct

1 A. Yes, I was.

2 Q. What were you doing?

3 A. I was conducting surveillance.

4 Q. Where were you conducting surveillance?

5 A. In Hellertown, Pennsylvania.

6 Q. Where in Hellertown, Pennsylvania, were you conducting  
7 surveillance?

8 A. The Hellertown Pharmacy.

9 Q. Were you by yourself?

10 A. No, I was not.

11 Q. Who were you with?

12 A. Other law enforcement officers.

13 Q. Now I'd like to direct your attention to approximately  
14 11:10 a.m. that day, October 2, 2012. What, if anything, did  
15 you observe at that time?

16 A. I observed a motor vehicle pull into the lot of the  
17 Hellertown Pharmacy with Ohio registration.

18 Q. And how did you know that this motor vehicle had Ohio  
19 registration?

20 A. By the license plate, as well as running a motor vehicle  
21 check on the license plate.

22 Q. And when you ran the motor vehicle check, did you learn  
23 anything else about the car?

24 A. Yes, that it was a rental.

25 Q. And did you observe anyone in the car?

F57elas4

Murphy - direct

1 A. Yes. There were two males.

2 Q. How far away were you from the two men?

3 A. Approximately 30 feet.

4 Q. Can you please describe their appearance.

5 A. They appeared to be unkempt, disheveled, ill fitting  
6 clothing.

7 Q. What did you observe these men do?

8 A. They exited the vehicle and stood outside of the pharmacy.

9 Q. And what did they do after they -- how long were they  
10 standing around the pharmacy for?

11 A. Not that long in the beginning. Then one of the males  
12 entered into the pharmacy.

13 Q. And did that male come out of the pharmacy?

14 A. Yes, shortly thereafter.

15 Q. And what did they do when they were outside of the  
16 pharmacy?

17 A. He met up with the other individual. They loitered about  
18 the parking lot in the pharmacy area. And shortly after that,  
19 the same male who went in the first time entered back into the  
20 pharmacy.

21 Q. And did he exit at some point?

22 A. He did.

23 Q. What did you observe when he exited the pharmacy?

24 A. He exited the pharmacy holding a white pharmacy bag.

25 Q. So what happened when the one male left the pharmacy with

F57elas4

Murphy - direct

1 the white pharmacy bag?

2 A. He met up with the other male. They both entered into the  
3 vehicle, where I observed them open up the bag, open up the  
4 pill bottle, look inside.

5 Q. You observed them do that in the car?

6 A. Yes, ma'am.

7 Q. After the two men looked inside the pill bottle, what did  
8 they do next?

9 A. They exited the lot.

10 Q. Roughly how long were these men in the vicinity of  
11 Hellertown Pharmacy?

12 A. It was approximately 30 minutes.

13 Q. So I'd like to direct your attention to 1:29 p.m. that day.  
14 What, if anything, did you observe at that time?

15 A. I observed the van with Kentucky registration pull into the  
16 lot.

17 Q. And approximately how far away were you from the van?

18 A. About 50 feet.

19 Q. And how did you know that it was a Kentucky license plate?

20 A. By looking at the registration of the vehicle, as well as  
21 running a motor vehicle check.

22 Q. And when you ran that motor vehicle check, what, if  
23 anything, else did you learn?

24 A. I learned that it was also a rental.

25 Q. Can you please describe the appearance of the people that

F57elas4

Murphy - direct

1 got out of the van?

2 A. They were also disheveled, ill-fitting clothing, unkempt.

3 Q. Approximately how many people were there?

4 A. There were six.

5 Q. And how old were they?

6 A. I would say in their mid20s.

7 Q. What did you observe them do after they got out of the van?

8 A. They congregated around the van, and once they were all out  
9 of the van, they entered into the Hellertown Diner.

10 Q. Where is the Hellertown Diner in relation to Hellertown  
11 Pharmacy?

12 A. It's located in the same parking lot.

13 Q. How long was this group of six people in the diner?

14 A. Approximately an hour.

15 Q. What did they do when they left the diner?

16 A. They congregated back around the van.

17 Q. What happened after that?

18 A. Shortly thereafter they entered into the Hellertown  
19 Pharmacy.

20 Q. How long were they in the Hellertown Pharmacy roughly?

21 A. Approximately ten minutes.

22 Q. Now, can you please describe what you observed as these  
23 individuals left the pharmacy.

24 A. They either left one by one or in pairs.

25 Q. What, if anything, were these individuals holding?

F57elas4

Murphy - direct

1 A. Five of the individuals were holding a white pharmacy bag.

2 Q. What did they do after they left the pharmacy?

3 A. Congregated around the van and then got into the van.

4 Q. And once they got into the van, what did they do?

5 A. They exited the lot.

6 Q. I'd like to direct your attention, still sticking with this  
7 same day at 3:22 p.m. What, if anything, did you observe at  
8 that time?

9 A. I observed a postal truck pull into the lot and park in  
10 front of the Hellertown Pharmacy.

11 Q. Did you observe anyone exit the truck?

12 A. Yes, postal employee.

13 Q. Where did he go?

14 A. He entered into the Hellertown Pharmacy.

15 Q. What, if anything, did you observe next?

16 A. He came out with two large clear plastic bags, like trash  
17 bags, filled with what appeared to be parcels.

18 Q. What did he do next?

19 A. Placed them into the postal truck, got into the truck and  
20 then left the lot.

21 Q. So now I'd like to direct your attention to November 20,  
22 2012. Were you working that day?

23 A. Yes, I was.

24 Q. What did you do?

25 A. I was conducting surveillance at Towne Pharmacy.

F57elas4

Murphy - direct

1 Q. Where is Towne Pharmacy located?

2 A. That's in Dunellen, New Jersey.

3 Q. Were you by yourself?

4 A. No, I was not.

5 Q. Who were you with?

6 A. I was with other law enforcement officers.

7 Q. So I'd like to direct your attention to 8:36 p.m. What, if  
8 anything, did you observe at that time?

9 A. I observed three people leave the pharmacy.

10 Q. Do you recognize anyone from that surveillance that night  
11 in the courtroom today?

12 A. Yes, I do.

13 Q. Who do you recognize?

14 A. Ms. Lasher.

15 Q. Could you describe an article of clothing that she's  
16 wearing.

17 A. Black jacket and red shirt.

18 MS. GREENBERG: May the record reflect that the  
19 witness has identified the defendant?

20 THE COURT: Yes.

21 Q. Did you identify anyone else who was with Ms. Lasher?

22 A. Yes, I did.

23 Q. Who else did you identify?

24 A. Peter Riccio.

25 Q. Could you identify anyone else?

F57elas4

Murphy - direct

1 A. No. There was one other unknown male.

2 Q. And how were you able to identify Ms. Lasher and Peter  
3 Riccio?

4 A. Through DMV photos, as well as previous surveillances.

5 Q. What, if anything, did you observe Ms. Lasher to be  
6 holding?

7 A. Under her right arm she was holding large white envelopes  
8 or a binder of some sort, as well as her purse.

9 Q. After Ms. Lasher left Towne Pharmacy, where did she go?

10 A. She entered into her vehicle and traveled 78 West.

11 Q. And how do you know that the car that Ms. Lasher entered  
12 was her car?

13 A. The registration was registered to Ms. Lasher.

14 Q. Can you describe her car?

15 A. Yes. It was a silver Toyota Highlander.

16 Q. Once Ms. Lasher entered her car what did you observe?

17 A. We followed her 78 West in the direction towards  
18 Highbridge, New Jersey, towards her residence.

19 Q. Did you see Ms. Lasher again that evening?

20 A. I did.

21 Q. Where did you see her?

22 A. On Patton Street in Highbridge, New Jersey.

23 Q. What did she do at that time?

24 A. At that time she pulled into her driveway, backed out of  
25 the driveway, did a K turn in the middle of the street, backed

F57elas4

Murphy - direct

1 down into her driveway, where she stopped parked the car and  
2 turned the dome light on.

3 Q. After Ms. Lasher arrived at the driveway of her residence  
4 in her car, how long did Ms. Lasher remain in her car?

5 A. Approximately two minutes.

6 (Continued on next page)

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F57sLAS5

Murphy - direct

1 BY MS. GREENBERG:

2 Q. What happened next?

3 A. She got out of the vehicle with the same documents that I  
4 saw her at the pharmacy. She walked into her residence.

5 Q. Now, I would like to direct your attention to April 17,  
6 2012, at 11:45 p.m. Were you working that day?

7 A. Yes, I was.

8 Q. Where were you working?

9 A. In Hellertown, Pennsylvania.

10 Q. Were you working with anyone else?

11 A. Yes.

12 MR. FREEMAN: I'm sorry, could I have the day, please?

13 MS. GREENBERG: April 17, 2012.

14 Q. Were you working with anyone else?

15 A. Yes, I was. I was with other law enforcement officers.

16 Q. What investigatory steps did you take that day?

17 A. Trash pull.

18 Q. Where did you conduct the trash pull?

19 A. In the rear of the pharmacy from the dumpster.

20 Q. What did you do with the trash that you obtained from the  
21 dumpster at Hellertown Pharmacy?

22 A. The trash was taken to Clinton Township Police Department,  
23 where it was analyzed.

24 Q. Mr. Murphy, I am showing you what has been marked as  
25 Government Exhibit 701. Officer Murphy, do you recognize these

F57sLAS5

Murphy - direct

1 documents?

2 A. Yes, I do.

3 Q. What are these documents?

4 A. This is a report run by Lena Lasher from Hellertown  
5 Pharmacy.

6 Q. What is the report called?

7 A. It's called the Hellertown Nursing Home, Lena Lasher.

8 Q. Where did this come from?

9 A. This came from the dumpster behind the Hellertown Pharmacy  
10 in Pennsylvania.

11 Q. How do you know that?

12 A. By the DEA exhibit number, which is N-39, and comparing  
13 that to the DEA 6, it would tell you that it came from that  
14 location.

15 Q. When you say DEA 6, what are you referring?

16 A. It's a report of investigation.

17 Q. Based on that comparison of the evidence tag before you and  
18 your own reports, what does that tell you about where you got  
19 that document from?

20 A. From Hellertown Pharmacy.

21 MS. GREENBERG: The government offers Government  
22 Exhibit 701.

23 MR. FREEMAN: Can I have a moment, Judge?

24 THE COURT: Yes.

25 MR. FREEMAN: Thank you. No objection.

F57sLAS5

Murphy - direct

1                   THE COURT: Received.

2                   (Government's Exhibit 701 received in evidence)

3 BY MS. GREENBERG:

4 Q. What is the date of this report?

5 A. April 15, 2012.

6 Q. Who is indicated as running this report?

7 A. Lena Lasher.

8 Q. Generally, what information is provided on the report?

9 A. Prescription number, date, patient name, doctor name, drug  
10 name, quantity, and direct.

11 Q. Looking at this document, what are the last names of the  
12 doctors in this report?

13 A. Burling, Imberino, Porter, Paredes, Kaplan, Osterer.

14 Q. Roughly six doctors are named in that report?

15 A. Yes, ma'am.

16 Q. Can you identify any drug names from this list?

17 A. Tramadol and butalbital.

18                  MS. GREENBERG: These exhibits are not scanned. Your  
19 Honor, may I publish that exhibit to the jury?

20                  THE COURT: Yes.

21 BY MS. GREENBERG:

22 Q. I would like to direct your attention to April 23, 2012, at  
23 11:30 p.m. Where were you working that day?

24 A. Palmer Pharmacy in Easton, Pennsylvania.

25 Q. Were you working with anyone else?

F57sLAS5

Murphy - direct

1 A. Yes, along with law enforcement officers.

2 Q. What investigatory steps did you take that day?

3 A. Trash pull.

4 Q. Where did you obtain the trash?

5 A. From the rear of the pharmacy in the dumpster.

6 Q. What did you do with the trash that you obtained from the  
7 dumpster at Palmer Pharmacy?

8 A. That was taken down to Clinton Township to the police  
9 department where it was analyzed.

10 Q. I am putting before you two exhibits, Government Exhibit  
11 702 and 703. I would like to show you first what has been  
12 marked as Government Exhibit 702. What are these documents?

13 A. These documents are the Ohio automated prescription  
14 reporting system.

15 Q. Are they printouts from that system?

16 A. Yes, they are.

17 Q. Where did these documents come from?

18 A. They came from the dumpster of Palmer Pharmacy.

19 Q. How do you know that?

20 A. By comparing the DEA exhibit number, which is N-54, with  
21 the associated DEA 6, the report of investigation.

22 MS. GREENBERG: The government offers Government  
23 Exhibit 702.

24 MR. FREEMAN: No objection.

25 THE COURT: Received.

F57sLAS5

Murphy - direct

(Government's Exhibit 702 received in evidence)

BY MS. GREENBERG:

Q. What are the month of the dates of these printouts?

A. April of 2012.

Q. According to the patient addresses listed on these patient printouts, where are the patients located?

A. Ohio. Ohio.

Q. Who is listed at the prescriber for all of these patients?

A. Paredes-Mitchel, Julio.

Q. What drugs is Dr. Parades-Mitchel listed as prescribing to these Ohio patients?

A. Tramadol, butalbital. Tramadol and butalbital.

Q. What pharmacy is listed at filling these prescriptions?

## A. Palmer Pharmacy.

Q. What, if any, information was listed regarding how the patients were receiving the drugs?

A. C.O.D., UPS.

Q. What does C.O.D. mean?

#### A. Cash on delivery.

Q. Is there any other way that is listed?

#### A. Private pay.

Q. What does that refer to?

A. Cash.

Q. Now I would like you to look at Government Exhibit 703.

What are these documents?

F57sLAS5

Murphy - direct

1 A. Orders for shipping and invoices.

2 Q. Where did they documents come from?

3 A. Palmer Pharmacy in Easton, Pennsylvania.

4 Q. How do you know that?

5 A. By the name at the top of the report, as well as the DEA  
6 exhibit number, which is N-55 and the associated DEA 6, the  
7 report of investigation that it is linked to.

8 MS. GREENBERG: The government offers Government  
9 Exhibit 703.

10 MR. FREEMAN: No objection.

11 THE COURT: Received.

12 (Government's Exhibit 703 received in evidence)

13 BY MS. GREENBERG:

14 Q. Officer Murphy, would you please look at the top of the  
15 document where it says PHP Billing, LLC on top. Who is listed  
16 as logged in?

17 A. Lena T. Contang.

18 Q. What is she logged in as?

19 A. Level five RX manager.

20 Q. On the top left corner, what is listed under pharmacy?

21 A. Print credit cards orders, prints C.O.D.s orders, ship  
22 credit card orders, shipped C.O.D. orders, return/undelivered  
23 orders.

24 Q. Under the title browse orders for shipping C.O.D., what  
25 information is provided?

F57sLAS5

Murphy - direct

1 A. The order date, print date, order number, tracking number,  
2 medication, patient name, status, shipping method, and view  
3 label days since last order, checked orders.

4 Q. Just looking through the other documents behind that,  
5 generally, what are those documents?

6 A. These are Palmer invoices for tramadol and butalbital.

7 MS. GREENBERG: Your Honor, may I publish these  
8 exhibits to the jury?

9 THE COURT: Yes.

10 Q. I would like to direct your attention to May 15, 2012, at  
11 10:45 p.m. Were you working that day?

12 A. Yes, I was.

13 Q. Where were you working?

14 A. In Hellertown, Pennsylvania.

15 Q. Were you working with anyone else?

16 A. Yes, I was.

17 Q. Who were you working with?

18 A. Other law enforcement officers.

19 Q. What investigatory steps did you take?

20 A. Trash pull.

21 Q. Where did you obtain the trash?

22 A. From the dumpster in the rear of the pharmacy.

23 Q. What did you do with the trash after you obtained it from  
24 the dumpster at Hellertown Pharmacy?

25 A. I secured it and it was taken down to Clinton Township

F57sLAS5

Murphy - direct

1 Police Department where it was analyzed.

2 Q. Showing you what has been marked as Government Exhibit 704  
3 and 705. Let's start with Government Exhibit 704. What are  
4 these documents?

5 A. These are printable labels.

6 Q. Where did they come from?

7 A. They came from the dumpster at Hellertown Pharmacy.

8 Q. How do you know that?

9 A. Through the DEA exhibit number, which is N-65, which is  
10 compared to the DEA 6, the report of investigation.

11 MS. GREENBERG: Government offers Government Exhibit  
12 704.

13 MR. FREEMAN: No objection.

14 THE COURT: Received.

15 (Government's Exhibit 704 received in evidence)

16 BY MS. GREENBERG:

17 Q. Who is listed on these documents as the prescriber on the  
18 label?

19 A. Paredes, Julio, M.D.

20 Q. What drugs are listed as prescribed by Dr. Parades-Mitchel?

21 A. Flexeril, Fioricet, tramadol.

22 Q. Where are the patients located who are receiving these  
23 drugs, according to that document?

24 A. Texas, New York, Michigan.

25 Q. If you could look at Government Exhibit 705. What are

F57sLAS5

Murphy - direct

1 these documents?

2 A. There are more printable labels, order forms and patient  
3 questionnaire, as well as an express mail United States Postal  
4 Service envelope.

5 Q. Where did these materials come from?

6 A. This came from Hellertown Pharmacy and in Hellertown,  
7 Pennsylvania.

8 Q. How do you know that?

9 A. Through the associated DEA exhibit number, which was N-66,  
10 comparing that to the DEA 6, the report of investigation.

11 MS. GREENBERG: The government offers Government  
12 Exhibit 705.

13 MR. FREEMAN: No objection.

14 THE COURT: Received.

15 (Government's Exhibit 705 received in evidence)

16 BY MS. GREENBERG:

17 Q. Now, if you could please look at the questionnaires and  
18 shipping labels. Who is listed as the prescribing doctor?

19 A. Dr. John M. Burling.

20 Q. Where is Dr. Burling located according to these documents?

21 A. Bluffton, South Carolina.

22 Q. Looking at the questionnaires that you have there,  
23 according to the billing address, in what states are the  
24 patients listing their billing addresses?

25 A. Michigan, New York, California, Colorado, Wisconsin,

F57sLAS5

Murphy - direct

1 Maryland, Pennsylvania.

2 MS. GREENBERG: Your Honor, may I publish these  
3 exhibits to the jury?

4 THE COURT: Yes.

5 MS. GREENBERG: I have no further questions for this  
6 witness at this time.

7 MR. FREEMAN: Good afternoon.

8 THE WITNESS: Good afternoon.

9 MR. FREEMAN: Your Honor, I have a few questions. Can  
10 I proceed while the jury is looking?

11 THE COURT: Just give them a couple minutes.

12 MR. FREEMAN: Sure.

13 (Pause)

14 THE COURT: Perhaps we can proceed with some  
15 questioning.

16 CROSS-EXAMINATION

17 BY MR. FREEMAN:

18 Q. So you observed a car with an Ohio registration with two  
19 males go inside the pharmacy, at least one of them did, and  
20 came out with a bag?

21 A. That's correct.

22 Q. There was a similar incident, except there were six people  
23 in the van, and people went to lunch at the Hellertown Diner,  
24 and five went into the pharmacy, five came out holding white  
25 bags?

F57sLAS5

Murphy - cross

1 A. No. I saw six go into the pharmacy, six of them exited,  
2 five of them had white bags.

3 Q. Thanks. You saw Peter Riccio and Lena Lasher together,  
4 correct?

5 A. Yes.

6 Q. The car that Ms. Lasher was driving was a Toyota  
7 Highlander?

8 A. Yes.

9 Q. Do you remember the year?

10 A. No, I do not.

11 Q. Was it a late model or was it an older vehicle?

12 A. Recent at the time.

13 Q. 2007. It's in your report, right, 2007?

14 A. The vehicle year?

15 Q. Yes.

16 A. I don't recall if I wrote that in my report.

17 Q. What year was this? This was 2012 when you were doing your  
18 surveillance?

19 A. Yes.

20 Q. Would you consider a vehicle that is five years old a late  
21 model at the time?

22 A. No, I would not.

23 Q. I would like to hand you what would be marked as  
24 Defendant's A for identification and ask you if that is one of  
25 the reports that you either reviewed or helped create?

F57sLAS5

Murphy - cross

1 A. Yes.

2 Q. Would you look at it and read it to yourself and see if  
3 that refreshes your recollection as to the year of the Toyota  
4 Highlander that Ms. Lasher was driving.

5 And it was registered to and to whom it was registered?

6 A. It says a 2007 Toyota Land Cruiser, silver in color.

7 MS. GREENBERG: Your Honor, can you instruct the  
8 witness not to read from the exhibit because it is not in  
9 evidence?

10 THE COURT: The question is does it refresh your  
11 recollection. If it does, just tell us what we now know.

12 THE WITNESS: Yes.

13 BY MR. FREEMAN:

14 Q. Does it refresh your recollection?

15 A. Yes.

16 Q. Was it a 2007 vehicle?

17 A. Yes.

18 Q. Silver?

19 A. Silver.

20 Q. Do you know what Ms. Lasher's maiden name is?

21 A. Yes, I do.

22 Q. Was it Contang?

23 A. Yes.

24 MR. FREEMAN: I have nothing further.

25 THE COURT: Anything further from the government for

F57sLAS5

Murphy - cross

1       this witness?

2           MS. GREENBERG: No, your Honor.

3           THE COURT: Thank you very much.

4           THE WITNESS: Thank you.

5           (Witness excused)

6           THE COURT: The government can call its next witness.

7           MR. RICHENTHAL: The government calls John M. Burling.

8           MR. RICHENTHAL: May I proceed, your Honor.

9           THE COURT: Yes, you may.

10          JOHN M. BURLING,

11           called as a witness by the Government,

12           having been duly sworn, testified as follows:

13          DIRECT EXAMINATION

14          BY MR. RICHENTHAL:

15          Q. Good afternoon, Mr. Burling.

16          A. Hello.

17          Q. I am going to bring you what has been marked as Government  
18           Exhibit 705 in evidence. It is a plastic bag. I would like  
19           you to open it. Take a look at the first full page.

20          A. Yes.

21          Q. Do you see the top of it, sir?

22          A. I am looking at the very top.

23          Q. Do you see a name?

24          A. Yes.

25          Q. Is it your name?

F57sLAS5

Burling - direct

1 A. Yes.

2 Q. Do you see an address?

3 A. Yes.

4 Q. Was it your address at the time?

5 A. Yes, it was.

6 Q. Does this appear to be a prescription?

7 A. It's an authorization for a prescription.

8 Q. Does it appear to be an authorization that you issued?

9 A. Yes.

10 Q. Let's back up. Where are you from?

11 A. I live in Bluffton, South Carolina.

12 Q. Is that what is on Government Exhibit 705?

13 A. Yes.

14 Q. Where do you live now?

15 A. I still live in Bluffton, South Carolina.

16 Q. What is your educational background?

17 A. I got a bachelors in science degree in 1973 from  
18 St. Lawrence University, M.D. degree from Rutgers Medical  
19 School in 1977. I trained in internal medicine from 1977 to  
20 1980, and I took my boards in internal medicine in 1980, and  
21 emergency medicine and occupational medicine in 1990, and got a  
22 master's in public health in about 1991 or '2 from Medical  
23 College of Wisconsin.

24 Q. Did you practice medicine?

25 A. Yes, I did.

F57sLAS5

Burling - direct

1 Q. What kind of medicine did you practice?

2 A. I practiced internal medicine, emergency medicine, and some  
3 occupational medicine, and urgent care.

4 Q. Did you write prescription in that practice or any of those  
5 practices?

6 A. Yes, I did.

7 Q. How would you typically determine whether a prescription  
8 was appropriate for a patient?

9 A. I would see a patient, they would come in with a chief  
10 complaint, and I would take a history of that present illness  
11 and I would review their past medical history, what's called  
12 the review of systems that might be pertinent to the complaint.  
13 That would be -- let's say if it was chest pain, cardiac  
14 systems or lung systems or that kind of thing. Then there  
15 would be a physical exam of some sort followed, perhaps, by  
16 some laboratory or X-ray or other diagnostic test. Then a  
17 diagnosis would be rendered and a prescription may or may not  
18 be written, plus whatever else would be appropriate.

19 Q. Typically how long would the process take from the first  
20 thing you just talked about where the patient --

21 MR. FREEMAN: Excuse me, your Honor. I will object to  
22 this line of questioning. We need a side bar, please.

23 (Continued on next page)

F57sLAS5

Burling - direct

1                             (At the side bar)

2                             MR. FREEMAN: Judge, I object to having this witness  
3 testify in this way. I understood that he was going to testify  
4 in light of his involvement in the conspiracy and that he is  
5 going to talk about what he did within the conspiracy and to  
6 assist the conspiracy and lend his name as a doctor so that  
7 there would be prescriptions from an M.D., but I fear that the  
8 government is trying to use him as an expert and that wouldn't  
9 be proper.

10                          First of all, among other things, he has now lost his  
11 medical license. Based on his involvement in this case, I  
12 think his expertise is questionable.

13                          MR. RICHENTHAL: He has actually not lost his medical  
14 license, it's suspended, but that's irrelevant.

15                          MR. FREEMAN: You called him mister. I was confused.

16                          MR. RICHENTHAL: I'm doing that with all witnesses. I  
17 don't direct witnesses with doctor. I don't think it is  
18 appropriate in the court. I asked him what he did. I think it  
19 is appropriate for the jury to know who he is.

20                          More importantly, the jury is going to have to make a  
21 determination as to validity. It is exceedingly relevant,  
22 indeed, among the most probative evidence, that the individual  
23 issuing a number of these prescriptions had a practice and he  
24 was doing his job legitimately, and that he chose for financial  
25 renumeration to alter that practice and do prescriptions

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Burling - direct

1 differently.

2           A comparison between what he originally did and what  
3 he chose to do on the Internet is probative of validity. And  
4 what he thought about when he was doing it, what he thought the  
5 purposes of the prescriptions were. I expect that he will  
6 testify, in sum, that his original practice involved, in sum  
7 and substance, what he just said. There came a time when he  
8 chose to alter it in return for money. He chose to issue  
9 prescriptions over the internet in a different way. That is  
10 the story of his involvement.

11           It would be odd, at best, for example, in a cocaine  
12 case, to ask someone -- excuse me -- not to ask someone how  
13 they got involved in the offense. How he got involved in the  
14 offense is he went from what I am talking about now to doing  
15 the offense. And a comparison between those two types of  
16 practice, his own personal practice, his own personal practice,  
17 not his knowledge of practice of others, is relevant for  
18 validity.

19           How is the jury supposed to determine if prescriptions  
20 issued by him, when he issued them over the Internet, are valid  
21 if he himself is not allowed to talk about what he did and what  
22 he didn't do?

23           MR. FREEMAN: Therein lies the problem. The  
24 government should be calling an expert, not using this witness  
25 as an expert to testify about validity. If he wants to talk

F57sLAS5

Burling - direct

1 about how he got involved -- I read his 3500, he did it for  
2 money, etc. etc. -- I can't object to that.

3 But for him to be talking about what constitutes a  
4 doctor-patient relationship, that is improper for this witness.

5 MR. RICHENTHAL: Your Honor, he pled guilty to  
6 multiple felonies arising, from his personal view, that he did  
7 not have a doctor-patient relationship. We are surely allowed  
8 to ask him why that is his view, indeed if that is his view,  
9 which it is. He pled guilty under oath in this very courtroom.

10 I am not going to use the word "valid," to be very  
11 clear, that's for the jury to determine. I do intend to ask  
12 him whether he had a doctor-patient relationship. He pled  
13 guilty to crimes arising out of a lack of one. I don't know  
14 how we could possibly ask him questions and not ask did he have  
15 a valid relationship when he pled guilty to crimes without a  
16 valid relationship.

17 MR. FREEMAN: I wouldn't object if the question was  
18 asked: Did you have a valid relationship with any of these  
19 people, the thousands of people? Of course he didn't have a  
20 doctor relationship. He was in one state, they were in another  
21 state. That is a different issue.

22 The way he is doing it, it's having the witness  
23 testify as an expert.

24 MR. RICHENTHAL: It's his own practice. There is no  
25 expertise involved. I want to make a point here, surely I am

F57sLAS5

Burling - direct

1 entitled to ask him why he didn't have a doctor-patient  
2 relationship. And you know what he will say? What he is  
3 saying now. I am just going at it a little earlier. If  
4 Mr. Freeman would like me to indicate, I can ask him then,  
5 meaning ten questions from now.

6 THE COURT: Okay.

7 (Pause)

8 The bottom line, to me, is that the government could  
9 ask him these questions in one of two orders. One, you could  
10 start with: What did you do here and how did that differ from  
11 your practice? Or you do what you're doing, ask him what his  
12 regular practice was and then ask him how his activity related  
13 to this case differently. I think it is literally six of one,  
14 half a dozen of the other.

15 MR. RICHENTHAL: That's our view.

16 THE COURT: It's your choice.

17 MR. RICHENTHAL: I have chosen the latter. I don't  
18 think the rules of evidence have anything to say on the latter  
19 or the former. On that basis, we would like to proceed.

20 MR. FREEMAN: To the extent he strays into opinion --  
21 this is a fact witness -- then it's objectionable.

22 MR. RICHENTHAL: Your Honor, he literally pled guilty  
23 in this courtroom.

24 THE COURT: It's not a matter of opinion, it's a  
25 matter of what he did in fact.

F57sLAS5

Burling - direct

1                   MR. RICHENTHAL: I just want to add, his opinion, as  
2 it were, does matter. He pled guilty. He believes himself to  
3 have issued prescriptions without a doctor-patient  
4 relationship. I am entitled to ask him why he has that belief.  
5 It's a highly probative issue for the jury and not prejudicial.  
6 I don't expect he is going to testify he ever met Ms. Lasher.  
7 It goes to validity.

8                   MR. FREEMAN: I'll object, but I understand your  
9 ruling.

10                  THE COURT: Okay.

11                  (Continued on next page)

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F57sLAS5

Burling - direct

1                             (In open court; jury present)

2 BY MR. RICHENTHAL:

3 Q. Let's pick up where we left off.

4 A. Okay.

5 Q. You described a process that resulted or could result in  
6 the issuance of a prescription?

7 A. Correct.

8 Q. In your personal experience, typically how long did that  
9 process take?

10 A. If it was a new patient, it might be 30 minutes to an hour  
11 perhaps, depending on the complexity. For a brief visit on an  
12 established patient, it might be 15 minutes.

13 Q. Now, if a patient asked for a particular drug, would you  
14 always prescribe that particular drug?

15 A. No, not necessarily.

16 Q. Why not?

17 A. Well, it would have to be appropriate for the condition  
18 that they are being treated for. They may not be asking for  
19 the right drug.

20 Q. If a patient asked for a prescription drug generally,  
21 didn't name it, said I want a prescription drug, would you  
22 always prescribe a prescription drug?

23 A. No.

24 Q. Why not?

25 A. It may not be necessary.

F57sLAS5

Burling - direct

1 Q. If you were going to prescribe a prescription drug and a  
2 patient demanded a particular quantity of that drug, would you  
3 always prescribe that precise quality?

4 A. No.

5 Q. Why not?

6 A. It may not be necessary. It may not be appropriate.

7 Q. Did there come a time when you started to act differently?

8 A. Yes.

9 Q. Did you start issuing prescriptions over the Internet?

10 A. Yes.

11 Q. How did that come about?

12 A. I received an e-mail from a Dr. Prab Tumpatir Rao offering  
13 an opportunity to do telemedicine for either an internist or a  
14 family practice type doc working part-time. I responded to  
15 that e-mail and had a conversation with him, which was followed  
16 up by contact with some individuals that were running an  
17 Internet prescription program.

18 Q. Approximately when did you get these contacts?

19 A. I believe it was around July 11 of 2011 when I received the  
20 first e-mail. Probably over the next two or three days, we had  
21 e-mail and verbal discussions. Then I was put into contact  
22 with two other individuals named Richard and Aaron, who gave me  
23 some training on that website, with a log-in ID and password  
24 about August 23 of 2011. Then I started a couple days later, I  
25 believe.

F57sLAS5

Burling - direct

1 Q. Now, where were you when you started this work?

2 A. I was working in Bluffton.

3 Q. You referenced a website. Would you literally log into a  
4 website?

5 A. Yes.

6 Q. What would you see when you logged in?

7 A. There would be a screen of customers with -- I am not  
8 precisely sure what was on the initial screen. They had their  
9 names and other information, in the left column, there was  
10 check boxes for approve or disapprove.

11 Q. What kinds of questions were these? What kind of  
12 information was this?

13 A. Well, when you click another tab to bring up a detail page,  
14 you would see a group of questions that are like the ones that  
15 you presented to me here.

16 Q. Let's be precise. When you say like the ones that I  
17 presented to you, are you referring to document in Government  
18 Exhibit 705?

19 A. This one right in front of me here.

20 Q. Can you hold up the document you are talking about?

21 A. It would look similar to this.

22 Q. Just for the record, you are holding about an eight by 10  
23 or 11 piece of paper with a bunch of lines on it?

24 A. Yes.

25 Q. Can you look in the upper right, please. Do you see a

F57sLAS5

Burling - direct

1 signature?

2 A. Yes.

3 Q. Is that your signature?

4 A. Yes.

5 Q. Is that literally your signature or an electronic  
6 signature?

7 A. It's an electronic signature.

8 Q. Going back to the website, would you see the same kinds of  
9 questions you are seeing on that piece of paper?

10 A. Yes.

11 Q. Did you have any way to determine whether the customer had  
12 answered the questions honestly?

13 A. No, I did not.

14 Q. Did the piece of paper, or in this case the website, did it  
15 come with any medical records?

16 A. No, it did not.

17 Q. Did it come with any backup documentation as to the  
18 information in the questions?

19 A. No.

20 Q. Just the questions?

21 A. Just the questions.

22 Q. How long did it take you to review each questionnaire?

23 A. You could look at these and scan through them in about ten  
24 seconds or so.

25 Q. Did you speak with any customers?

F57sLAS5

Burling - direct

1 A. I did speak with a few.

2 Q. How much is a few?

3 A. Probably half a dozen or less.

4 Q. What would lead you to speak with a customer?

5 A. Well, they might have answered the questions and left out  
6 if they had a doctor or might be some extenuating circumstance,  
7 and I would reach out to them and find out what the situation  
8 was. So they would respond to an initial rejection, and then I  
9 would call and find out what was going on.

10 Q. Let's just be clear. These conversations are after you  
11 rejected the prescription?

12 A. They were, yes. That would be the typical situation.

13 Q. You said you talked to customers approximately six times?

14 A. I would say so.

15 Q. Approximately how many prescriptions did you issue on an  
16 average day through this website?

17 A. Through this website in 2011, it wasn't that many.

18 Probably 50 to 100. I think there were more in 2012, 100 to  
19 200 a day or something like that.

20 Q. How many days a week?

21 A. Five.

22 Q. So that is at least 500 a week?

23 A. Yes.

24 Q. It could be a thousand a week?

25 A. I don't think it would ever reach the level of a thousand a

F57sLAS5

Burling - direct

1 week, but it could have been more than 500 at times.

2 Q. From what drugs?

3 A. Mostly they were for Fioricet, Soma, tramadol, and  
4 occasional others.

5 Q. What percentage were those three; Fioricet, tramadol and  
6 Soma?

7 A. Probably at least 98 percent or more.

8 Q. How were you paid for what you agreed to do; check, wire,  
9 some other method?

10 A. Wire, bank wire.

11 Q. A bank wire into what?

12 A. To my bank account.

13 Q. Where was that located?

14 A. My bank account? In South Carolina.

15 Q. Now, what you were paid? What was the sum?

16 A. Well, it was about \$2 per prescription.

17 Q. Is that prescriptions approved or prescriptions reviewed?

18 A. I was under the impression it was prescriptions reviewed.

19 I never went to check to see if there was any difference  
20 between the two.

21 Q. Did it matter to you?

22 A. Not really.

23 Q. Why not?

24 A. There were so few that I wound up rejecting, it wasn't  
25 something I tracked.

F57sLAS5

Burling - direct

1 Q. You said there were so few you wound up rejecting. In an  
2 average day out of 500, how many would you reject?

3 A. I would estimate one to two percent of the first group  
4 would have missing diagnosis or missing -- they would answer  
5 the question and didn't their private physician would be no or  
6 something like that.

7 Q. You mentioned missing. If information was missing, is that  
8 what would cause you to reject them?

9 A. Yes.

10 Q. If information was not missing, would you approve them?

11 A. Yes.

12 Q. You also mentioned a second group?

13 A. Yes.

14 Q. What do you mean by that?

15 A. I was contacted again by Dr. Rao about a month after the  
16 first group started that there was a second opportunity of a  
17 similar nature and was I interested in participating in that.  
18 I said I was, so he put me in touch with the second group.

19 Q. Approximately when was that?

20 A. About a month after the first. Roughly August 23rd or so.

21 Q. Of 2011?

22 A. Yes.

23 Q. Did you start to issue prescriptions for the second group?

24 A. Yes.

25 Q. How did that work?

F57sLAS5

Burling - direct

1 A. Well, it worked a little differently. I got daily e-mails  
2 with attached customer questionnaires, and I would -- they were  
3 essentially the same kind of information as the first group. I  
4 would scan through those e-mail attachments and then return  
5 that to the person that sent it to me.

6 MR. RICHENTHAL: Your Honor, I think it may be 2:15.  
7 Would you like me to stop for the day?

8 THE COURT: My phone says it's 2:15 and so does my  
9 computer. It's 2:15.

10 We will respect the jurors' request today. I wish you  
11 a wonderful evening. Remember the rules, don't talk about the  
12 case and keep an open mind.

13 (Jury excused)

14 (Continued on next page)

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F57sLAS5

Burling - direct

1 (Jury not present)

2 THE COURT: Anything we need to talk about?

3 MR. FREEMAN: Unless that leads to something.

4 MR. RICHENTHAL: Nothing for us, your Honor.

5 THE COURT: John and I are going to work on the  
6 charge. We will probably e-mail it to you later tonight. I  
7 think, just the way things are going, we probably appreciate  
8 your comments in writing over the weekend. That doesn't mean  
9 that I intend to firm it up totally, but I thought that it's  
10 better to get it out there.

11 MR. FREEMAN: Thank you.

12 THE COURT: We welcome both substantive and spelling  
13 errors and anything else that you have to make of it.

14 Thank you.

15 (Adjourned to May 8, 2015, at 9:00 a.m.)

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